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HANSARD'S PARLIAMENTARY DEBATES

THIRD SERIES,
COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

13° & 14° V I C T O R I Æ, 1850.

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THE EIGHTEENTH DAY OF JUNE,
TO
THE EIGHTEENTH DAY OF JULY, 1850.

Fifth Volume of the Session.

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1850.



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The following BETTER REPORT of the Speech of the hon. Member for NORTH WARWICKSHIRE, on the Educational Grant (Ireland) has been obtained too late for insertion in its place in the Text, or in the proper position of an Appendix.

SUPPLY—EDUCATION (IRELAND).

Commons, June 21, 1850.

MR. NEWDEGATE said, the right hon. Gentleman had assumed that the adoption of his hon. Friend's Motion would supersede the national system of education in Ireland. Now his hon. Friend's Motion did not require that the national system in Ireland should be superseded, but proposed to leave the grant for those who would accept their share, or the whole grant, on the present terms undisturbed, but claimed respect for the religious scruples of the Church of Ireland, and the share of public assistance to which her communion were entitled, either from this grant or some other source, free from those restrictions that amounted to prohibition. But if the freedom from these restrictions proved so popular as indirectly to supersede the present national system, that fact alone would justify the change: no stronger proof could be afforded of the justice of the cause his hon. Friend so ably urged, than the realisation of the right hon. Baronet's fears. He did not think they were precluded by any single allegation in any petition from so modifying the distribution, and so altering the mode of management, of the grant for educational purposes in Ireland, as to enable those who conscientiously objected to the existing system to accept their share. He put it to the right hon. Gentleman the Secretary of State for the Home Department, whether he considered it impossible

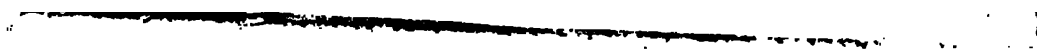
to frame some system which would meet the reasonable objections of the Church Education Society? He maintained that there was no difficulty whatever in doing so. He (Mr. Newdegate) would venture to submit for the consideration of the Government and the House two propositions, which he believed would, if adopted, meet the difficulty of the case. Some hon. Members might not be aware of the difference between the schools, termed vested schools, as distinguished from the non-vested schools, connected with the National Society in Ireland: he would premise by observing that the schools termed "Vested," were those towards the construction of which the National Board had contributed out of the grant, and therefore claimed a right in the property of the school, and had likewise contributed to the salary of the master; whereas the non-vested schools were those which only received occasional assistance from the board in the form of books, writing materials, &c., either gratuitously or at a reduced price, but were otherwise supported out of local or private means. He (Mr. Newdegate) in the following suggestions proposed to treat the Church Education Society as a separate denomination: 1. As regarded vested schools. A separate form of trust-deed should be prepared for schools in connexion with the Church Education Society, permitting the patron to enforce the reading of Holy Scripture, but prohibiting the use of catechisms or other books of peculiar religious instruction, ex-

cept on one day in each week. 2. With regard to non-vested schools. The rules respecting religious instruction to be cancelled; thus leaving each patron or manager at liberty to give such religious instruction as he may deem proper. These were, indeed, humble terms, but such as he believed the Church of Ireland would accept. The great body of the Church of Ireland, through the Church Education Society, had claimed to be treated in the same manner as the Church of England was treated through the grants to the National Society, and had been refused. They had claimed to be treated as the Dissenters of England had been and were treated in the British and Foreign School Society, and had been refused. They had claimed to be treated in the same way as the Roman Catholic minority in England was treated in the Poor-school Committee, and had been refused. These were three propositions, either of which the Government might have adopted; and their refusal to accede to any of them showed that the conduct pursued by the Government in Ireland was inconsistent with the conduct they pursued in England. After an experience of eighteen years, no less than 1,700 out of 2,000 clergymen, and 72,000 of the laity, had petitioned against the present system. They believed that to withhold the word of God was essentially to injure the people; for they believed that "man lives not by bread alone, but by every word that proceedeth out of the mouth of God." The conduct of the Government in practically excluding religious teaching in these schools, was inconsistent with their recent conduct in that House, and with the repeated decisions of the House against irreligious education. It had been and might again be pleaded, that religious education was not excluded from schools under the national system in Ireland; this, however, was only an empty evasion. The rules of the Irish Board provided that the Bible, during the regular school hours, should be excluded if the parent of one child out of 100, or out of 1,000, demanded it; and although the parent of every other child prayed for the use of the Bible, the patron was empowered, nevertheless, to exclude the Bible from the schoolhouse. Hon. Members on his side of the House had often, when advocating the claims of the Church of Ireland, been reminded that Lord Stanley had founded the system of which the Church complained. But the rules and regula-

tions which had been framed for the management of the national schools, were not in accordance with the letter of Lord Stanley, but were the work of the National Board; and, in their evidence before a Parliamentary Committee in 1835, Mr. Blake and Mr. Wyse, two of the Government Commissioners, admitted that such was the fact. They were asked whether, if the substance of Lord Stanley's letter (which was called the Magna Charta of the board) were embodied in an Act of Parliament, leaving the board a discretion as wide in their educational functions as was left by the New Poor Law Act of 1836 to the Poor Law Commission, they would undertake to abide by and enforce the provisions of such an Act; and they answered that they could not consent to be so bound; and yet the House would remember that it had been found that the irresponsible discretion exercised by the New Poor Law Commission had been found so wide and dangerous that the Legislature had been obliged to remodel the system, and to insist that the chief Poor Law Commissioner should be a Member of that House, that he might personally answer for the conduct of the Commission over which he presided; yet latitude such as the Poor Law Commission originally enjoyed, was too narrow for this Educational Board in Ireland. It was ridiculous to pretend, that these Irish Education Commissioners either intended to abide, or had abided, by Lord Stanley's letter. It was very strange to find politicians who prided themselves upon their liberality, their love of religious liberty, and upon their respect for the religious scruples of so many sects, deaf to the hardships inflicted on the Church of Ireland. Why, so strong was the feeling of the noble Lord at the head of the Government as to the importance and necessity of respecting the religious scruples of others, that he would sacrifice to it the Christian character of that House in order to admit a gentleman of the Jewish persuasion, though there was good reason to believe Baron Rothschild did not represent the feelings of the Jewish community in this country, and although the entire number of the English Jews, out of a population of 29 millions, was only 40,000. But take the whole 40,000 Jews, and they were not half the number of members of the Established Church in Ireland who prayed to be relieved from the present system. If the noble Lord was ready to

make such a concession for the sake of a single member of the Jewish persuasion, he (Mr. Newdegate) maintained that the noble Lord was doubly bound to make some concession to the religious scruples of the larger body of the Established Church in Ireland, on ground of numbers only, without further urging the comparison. It had been urged by some, that because the Church in Ireland was possessed of some property, that, therefore, she ought not to be allowed to participate in grants of the public money, although those grants were drawn from the taxes to which they contributed so largely. Yet the Church of England, which was much more wealthy, was not barred from public grants on that account; and, therefore, wealth was not considered a disqualification in their eyes. But he had much stronger evidence on that point. Where was the evidence of any poverty of the Roman Catholic body? It was in vain for them to talk of the poverty of the Roman Catholics, when he saw around him springing up every day colleges, monasteries, convents, cathedrals, and schools. Let them not, then, plead the possession of property as the ground of exclusion, for the Roman Catholic body had a large and increasing property, before their eyes; not English in its origin very likely, but invested in England; and when they granted to the Roman Catholics a system of education on terms of their own dictation, with what grace could Government come forward and say that the Irish Church should not participate in the bounty of the State for educational purposes, because they objected to the restrictions inflicted by the Irish Board? It could not be truly urged that those restrictions which constituted the system were necessary to prevent Protestant ascendancy in Ireland. For, in the same breath, by their acts the Government declared that the Protestants were so few, and the Church had so few communicants, that her teaching, and the opinions of those in communion with her, might be safely disregarded. In fact, many of the hon. Members in that House

urged that the Church should be altogether abolished, because it had so few adherents. It was pleaded in favour of the Jews, that, although wealthy, they did not seek ascendancy, and might, therefore, be safely admitted to legislative power. Look, on the other hand, at the Roman Catholics. Was there no fear of Catholic domination in Ireland? The Roman Catholic body avowedly sought ascendancy; but their doing so was no disqualification, according to the English practice of the Government. He contended that the compulsion exercised by the Roman Catholic priesthood upon the Government of the day, was the cause of the present system being carried out. Why, it was shown by Lord Stanley's letter that it was the free use of the Scriptures which made the Roman Catholic priests seek the destruction of the Kildare-street School system; and that they had effected. Did not that show clearly the dominant spirit of the Catholic clergy, and had not the Roman Catholic Church lately declared herself dominant in Malta? To this dominant spirit the Government yielded, but were deaf to the entreaties of the Church of which Her Majesty was a member and the head. He called upon that House—the majority of which were connected with the Church of England—and he appealed to them as a Christian State, to restore the reading of the Scriptures to those schools. The Legislature of which they formed a part, fancied that the corn laws stood in the way of the people obtaining an ample supply of food. He differed from those who entertained that opinion. But they swept away the corn laws, as they said they imposed restrictions upon the food that sustained the people, regardless of the distress that change produced. They had no right to refuse to give to the members of the Church of Ireland that sustenance of the mind which they asked for, the free use of that holy Book which they believed to be essential as the means of their salvation. For these reasons he would support the Motion of his hon. Friend the Member for the University of Dublin.



HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*THIRD SESSION OF THE FIFTEENTH PARLIAMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1850, IN THE THIRTEENTH YEAR
OF THE REIGN OF*

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, June 18, 1850.

MINUTES.] PUBLIC BILLS.—1^a Union of Liberties with Counties.

2^a Small Tenements Recovery (Ireland); Landlord and Tenant (Ireland).

3^a Incumbered Estates (Ireland) Act Amendment; Distress for Rent (Ireland); Judges of Assize.

INCUMBERED ESTATES (IRELAND) ACT AMENDMENT BILL.

BILL read 3^a (according to order).

The MARQUESS of WESTMEATH moved the insertion of two clauses. The first provided that nothing in the recited Act should authorise the Commissioners by notice or order to vary the rights and interests of any lessees of land in Ireland which such lessees were entitled unto, either at law or in equity, before the passing of the Act, and that all orders and notices issued under the recited Act varying such rights should be void; and the second, that the Commissioners should, before a sale, estimate the value of the estate to be sold, and not sell

it unless fifteen years' purchase on that ascertained value should be offered for it.

The EARL of CARLISLE declared his intention of offering the most decided opposition to both clauses. He considered the Bill itself to be unnecessary, and the clauses which the noble Marquess wished to add to it were still more unnecessary than the Bill itself. The original Act had been found most valuable in practice, and had been very gladly resorted to. If, however, the present clause were adopted, it would be impossible to effect any sale under the Act.

After some observations from the Earl of GLENGALL, the Duke of RICHMOND, and Lord BEAUMONT, clause withdrawn.

The MARQUESS of WESTMEATH then proposed his second clause.

The EARL of CARLISLE opposed the clause, considering its principles entirely at variance with the principle of the Act of last Session. Under that Act, Commissioners were appointed, and he believed that the soundest discretion had been exercised by the Government in their selection. The Commissioners were anxious to

give a precise explanation of every case and every circumstance which could be made a matter of accusation against them. He had thought it his duty to communicate with the Commissioners for the purpose of ascertaining their course of proceeding in certain cases which had been brought before their Lordships, and would now state the result. It was said that one estate had been sold as low as a year and a half's purchase. Now, what were the circumstances connected with that estate? It was sold with the full concurrence of the creditors, and on the petition of the owner. It appeared doubtful whether the whole estate was worth the rent of 200*l.* a year to which it was subject, and all parties were of opinion that it was sold at its full value; but the purchaser being unable to obtain funds to complete the purchase, the order was discharged. Another case had been mentioned in which an estate had been sold at seven years' purchase. That estate, which was let at the rent of 732*l.*, was subject to a heavy rent of 409*l.*, leaving a profit rent of 323*l.*, and was sold for 2,200*l.* It was bought for a party who, so far from thinking it an advantageous bargain, disapproved of the purchase, and sought to be discharged from it. The petitioning creditor was willing to consent to the discharge, but the owner of the estate refused, affording a strong proof that he did not think the Commissioners were dissipating his property to the winds. He had received these statements from Dr. Longfield, one of the Commissioners, who stated that in each case brought under his notice a fair price had been obtained. In all these cases their Lordships ought to look at the *bond fide* rent received, and not the exaggerated estimates which were too frequently made. In the county of Galway an estate had been sold for 4,650*l.*, being ten years' purchase on the rental at which it was nominally let, but forty years' purchase on the amount of rent actually received. There was no criterion to decide what the value of different properties ought to be, and their Lordships, he trusted, would not lay down an arbitrary rule for an infinite variety of circumstances, when the Commissioners were exercising a discriminating and enlightened superintendence over every case brought before them. The noble Marquess proposed that no estate should be sold below fifteen years' purchase. For well-cultivated estates that was a low amount, but for an estate tenanted by paupers it was outrageous. In

these cases the expense which the purchaser would have to incur ought to be taken into consideration before deciding whether the value obtained was sufficient. It was said that the creditors had not been paid, and that the proceeds of the sales were locked up in the Court of Chancery. Now, he was informed by the Commissioners that they shortly expected to be able to distribute amongst the creditors at least nine-tenths of the funds. Taking all these circumstances into consideration, he trusted their Lordships would not consent to the adoption of the clause, which in fact was perfectly incompatible with the existence of any confidence in the Commissioners.

The EARL of WICKLOW said, his noble Friend had been successful in passing a useful Bill, and was now about to encumber it with an exceedingly injurious proposition. In many cases a limit of fifteen years would defeat the wishes and intentions of the proprietors; and he trusted the noble Marquess would exercise again the sound discretion he had already shown, and would withdraw the Amendment.

The EARL of DESART suggested the insertion of words providing that the sale should not take place under such circumstances "without the consent of the proprietor."

LORD STANLEY said, the question was, would their Lordships limit the discretion of the Commissioners, or allow them to sell any man's property at five or seven years' purchase, without his consent? The noble Earl had mentioned one case which presented the strongest argument in favour of the Bill, namely, that in which an estate producing a profit rent had been sold at seven and a half years' purchase. If an estate was sold against the consent of the proprietor under such circumstances as had been described, it was a sufficient vindication of his noble Friend for introducing the present Bill. This was not a case in which they were dealing with an imaginary value. The amount fixed was fifteen years' purchase of the rent according to its recent valuation; and no man could say that fifteen years' purchase of the actual rent was an extravagant amount, below which to limit the discretion of the Commissioners. The question for their Lordships to decide was whether the discretion of the Commissioners should be fettered within reasonable limits, or remain unlimited.

EARL FITZWILLIAM said, that on

the sale of an estate it was necessary to consider whether the rental was regularly paid; because in many cases the value greatly depended on that circumstance. Although friendly to the Bill of the noble Marquess, he doubted the desirability of limiting the powers of the Commissioners.

The EARL of CARLISLE said, that with respect to the property which he had mentioned as having been sold at seven years' purchase, the Commissioners estimated that in England it would have been worth about 4,000*l.*, or twenty years' purchase.

LORD STANLEY: What! 4,000*l.* equal to twenty years' purchase, on a rental of 323*l.*?

The EARL of CARLISLE said, the Commissioners calculated that in Ireland it was worth 2,000*l.*, and it was sold for 2,200*l.*

The EARL of STRADBROKE said that, no doubt, estates had been sold in Ireland for eight and ten years' purchase; but then it must be remembered that the value of land in Ireland had very much fallen from what it was some years ago; and if they took the rent of estates as they were at the former period, it might be easy enough to show that many estates were sold for eight or ten years' purchase; but such instances should not guide the legislation of Parliament.

Their Lordships divided:—For the clause 32; Against it 30: Majority 2.

The MARQUESS of WESTMEATH moved a clause, the object of which was to give owners of estates, pending the proceedings connected with sales of those estates, the same protection from arrest as in cases of bankruptcy.

The EARL of CARLISLE observed, that the Commissioners had no power over all the estates which a man in such circumstances might possess, but only over the particular property then brought to sale. The party to such a proceeding might possess other estates in Ireland, or several estates in England, and he was at a loss to understand why such persons should be protected from arrest. According to the law of this country, none but those who gave up the whole of their property were protected from arrest; therefore, on general grounds, he advised the noble Marquess not to insert such a clause; he did not, however, wish to interfere further, but to leave the noble Marquess the entirely responsibility with reference to this Bill which he had taken on himself.

Clause agreed to.

Bill passed.

ACCOMMODATION FOR FOREIGN MINISTERS.

The MARQUESS of LANSDOWNE: My Lords, I rise to give notice, that on Friday I shall move for the appointment of a Select Committee to inquire whether an improvement can be made in the existing arrangements of the House, so as to afford better accommodation for Ambassadors and Ministers of Foreign Powers who may desire to be present at its debates. I need not advert particularly to the circumstance which took place last night. I shall only take the liberty of saying, that from some misapprehension, a Foreign Minister of the highest personal character, and entitled to the greatest respect on account of the situation he holds, was obliged, was necessarily obliged, last night to leave the position which he very naturally thought he had a right to occupy, but which certainly he had not a strict right to occupy according to the regulations of this House, as it is assigned to the ladies. My Lords, it is not much, perhaps, to the credit of our country, that we have no place in this House where a Foreign Minister may sit—we have certainly a place where he may stand; but I need not say that standing, especially during the course of a long debate, is not at all convenient. I shall, therefore, propose on Friday, that the House appoint a Committee to consider this matter, and assign a place, a very small place it need be, not extending to more than the accommodation of those Foreign Ministers who may feel it convenient to attend. I shall only add, my Lords, that in almost all States abroad, accommodation is provided in their public assemblies for the representatives of Foreign Powers.

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, June 18, 1850.

MINUTES.] PUBLIC BILLS.—Court of Chancery (County Palatine of Lancaster).

2^d Incorporation of Boroughs Confirmation (No. 2).

SEWERAGE IN WESTMINSTER.

VISCOUNT DUNCAN, seeing the Chief Commissioner of Sewers in his place, wished to ask him a few questions upon

that subject. He desired first to know when the sewage of Westminster was brought into the new cesspool in Parliament-gardens, where the commissioners intended to pump it out?

VISCOUNT EBRINGTON wished that his noble Friend had given him an intimation of his intention to put these questions. He had left his house that morning before ten to attend a meeting of the Court of Sewers, and he had only just heard of his noble Friend's questions. Still he was sufficiently familiar with the subject to be able to answer some of those questions. It was not intended to bring the sewage of Westminster into the place alluded to. What would be brought into it was not strictly sewage, although he would not say that some drainage water might not have escaped into it. The water oozed a good deal through the land, which was known to be wet, into the very deep cut which was being made as a new sewer. In the course of the works he believed that a few old drains had been cut through; but still the water in it was not, properly speaking, sewage water. It was the sort of oozing which took place into drains which had cesspools and dead bodies over them. With respect to the place which it was being pumped to, he might state that at present it was to be pumped into the old sewer at a much higher level, which ran down Great George-street into the Thames near Westminster-bridge, and it was being so disposed of in order that the men who were at present working in the wet in making the new sewer might work in the dry. It could have been desired that these works had been begun a little earlier, but it was also desirable that they should not be commenced in the middle of the winter, when there was a good deal of rain to impede the progress of the works.

VISCOUNT DUNCAN said, he had addressed a letter to his noble Friend containing the questions he intended to ask, which he supposed he had not yet received. He next wished to know where the outlet to the new sewer now constructing was to be; and why the Commissioners of Sewers did not commence at the end nearest the outlet?

VISCOUNT EBRINGTON: The outlet to the new sewer would be at the Percy Wharf, Scotland-yard. The commissioners and their engineer were of opinion that it was best to begin the work as they had begun it.

VISCOUNT DUNCAN next inquired what the total estimate of the new line of sewer amounted to; and whether there was any objection to lay the estimate on the table of the House of Commons?

VISCOUNT EBRINGTON did not remember the exact estimate, but there would be no objection to lay it upon the table of the House. However, the greater part of the expense did not come out of the general rates, but out of the pockets of private persons.

VISCOUNT DUNCAN, finally, wished to know whether the new line of drainage was sufficiently deep for the requirements of the Commissioners of the Westminster Improvements, and to drain the entire of the Westminster district?

VISCOUNT EBRINGTON hoped that the new sewer would be found sufficiently deep to meet the requirements of the Westminster Improvement Commissioners, but it would be very wrong for the Commissioners of Sewers to construct sewers specially with a view to particular portions of the metropolis. The sewer in question was intended as part of a larger plan for the drainage of the whole of the metropolis.

MR. T. GREENE wished to ask, "whether it be intended to carry the proposed sewer from the point where the steam engine is placed, at the corner of Palace-yard, through Whitehall-gardens, to an outlet into the Thames in Scotland-yard? If such be the intention of the Commissioners of Sewers, what is their object in carrying it to so great a distance, when a shorter outlet, and, it may be presumed, at least as good a fall, might be obtained near Westminster-bridge? Whether, if an outlet were at once made for the new sewer near Westminster-bridge, the carrying off the sewage, by means of pumping it up, might not be altogether avoided?"

VISCOUNT EBRINGTON said, there were professional men in the commission better able to judge than he was of such matters, and they gave very sufficient reasons for taking the divergent line which had been chosen. The outlet to the Thames, he might state, was provisional, and intended only to exist during the progress of the works now going on, as the commissioners had a great desire that the Thames should not be polluted by the sewage of the metropolis any longer than was found absolutely necessary. As to the cesspool in the neighbourhood of St. Margaret's Church-yard, the place would

be entirely covered over, only leaving openings to allow shafts for the pumps.

MR. T. GREENE asked if it was to be understood, seeing the outlet to the Thames was only temporary, that the whole of the works carried through Whitehall-gardens, and leading to that outlet, were to be temporary also?

VISCOUNT EBRINGTON: No. It was only the opening to the Thames that would be temporary.

SIR DE L. EVANS begged to ask the noble Lord the Member for Bath whether he could give the House any information regarding the cesspools that were to be constructed under the new Houses of Parliament? and whether there would be any objection to lay on the table a controversy that had taken place on the subject between Mr. Barry and the Commissioners of Sewers?

LORD ASHLEY believed that he had not described this matter quite scientifically the other night. He said there were three grand cesspools, whereas there was only one grand cesspool with a great many tributaries. A correspondence had taken place on this subject between the consulting surveyor of the Sewers Commission and the architect of the new Houses, and he believed some slight changes were made in consequence of that correspondence; but it was not in his power to say whether the papers could be laid on the table or not.

SIR DE L. EVANS would, in that case, ask the noble Lord the Member for Plymouth whether he had any objection to lay the correspondence before the House?

VISCOUNT EBRINGTON could see no objection to the production of the papers, so far as the Commission was concerned; but as there had been some ebullitions of temper on the part of the individuals by whom the correspondence was conducted, perhaps they might have no desire to see it published.

MR. BANKES asked if the engine now in course of erection was to be fitted with machinery for consuming the smoke?

VISCOUNT EBRINGTON was afraid that it would not be an engine so constructed; but anthracite, or Welsh coal, that produced little or no smoke, would be used.

Subject dropped.

AFFAIRS OF GREECE.

MR. B. OSBORNE: I rise to ask a question of the hon. Baronet the Member for Radnorshire. A few weeks ago the

hon. Baronet moved for the production of papers relative to the Greek business, and these papers have been lying some time now upon the table of the House. The question, then, that I wish to put to the hon. Baronet is this, "When does he intend to draw the attention of the House of Commons to the affairs of Greece?"

SIR J. WALSH: It appears that the hon. and gallant Gentleman has not given any very close attention to the part I have taken on this question, because he says I moved for papers regarding these transactions. I really, Sir, must correct the mistake under which the hon. and gallant Gentleman labours. I never moved for the production of any papers whatever. On one or two occasions, and entirely on the spur of the moment, on points which certainly excited considerable surprise in my own mind, I certainly did put several questions across the table relating to this subject; but I am not aware that, by so doing, I put myself in that prominent position which makes it necessary that I should undertake so serious a task as bringing forward this question.

COTTON (INDIA).

MR. BRIGHT, after presenting a petition from the merchants, manufacturers, and other inhabitants of Manchester, praying for a commission of inquiry with regard to the growth of cotton in India, said: I feel certain that the House will not require that I should offer any apology for bringing the subject of the growth of cotton in India under its consideration to-night, because at the very first glance I am persuaded that every Member of the House must acknowledge the importance of the question which I am about to introduce to their notice; and whatever may be the fate of the resolution which I intend to propose, whether I shall succeed in obtaining a commission of inquiry or not, there will at least be but one opinion in the House with regard to the importance of the subject—that, namely, of obtaining an adequate supply of the raw material for the greatest textile manufacture carried on in this country. I may state, that I feel bound to bring forward this question also as the representative of that constituency and that city which is the centre and heart of the greatest and most remarkable industry that the world has ever seen; and I can assure the House that the opinion of those whom I represent is strongly in favour of this proposition, and that they believe it is

intimately connected with the prosperity, if not with the very existence, of the trade with which they are so much identified. It may seem out of place to offer any observations tending to show the magnitude of the trade to which I refer, and yet I think that I should fail in laying the foundation of the Motion which I have to submit if I did not give the House to understand what is the magnitude of the subject I am now about to bring under its consideration. The cotton trade employs, directly and indirectly, probably not less than two millions of the population of the united kingdom, with an amount of capital far greater than can be found engaged in any other manufacturing trade in the united kingdom. That trade also provides a very much larger amount of our whole exports than does any other branch of national industry; and if it provides a greater amount of exports than other branches, as a matter of course it must follow that the imports consequent must be greater than those derived from other branches. It must, therefore, appear of the first importance that the supply of raw material upon which all this capital is engaged, and upon the working up of which some two millions of the population obtain a livelihood—it must appear, I repeat, that the obtaining of an adequate supply of the raw material cannot be a question of local but of national importance. To show the House the rate at which this branch of industry has progressed, and the position at which it has arrived, I would beg its attention to a few facts in connexion with the subject. The whole import of cotton into this country, at the commencement of the present century, was not more than 56 millions of pounds. Since then it has increased very rapidly, until 1849, when the amount imported reached the enormous quantity of 754 millions of pounds. Now, it is of some consequence to observe whence comes this great supply. Our supplies, then, are drawn chiefly from the United States of America; secondly, in point of quantity, from the British possessions in India; thirdly, from the empire of Brazil; fourthly, from Egypt; and, fifthly, from the West Indies. The quantities so brought may be set down in this proportion. Taking the imports of the last five years, the United States furnished 78½ per cent of the cotton consumed in this country; the East Indies, 10½ per cent; Brazil, 7 per cent; Egypt, 3½ per cent; and the West Indies, only ¼ per

cent; but if we bear in mind that Egyptian grown cotton is worth twice as much in point of value as East Indian, instead of being 3½ per cent, we may fairly set it down at 7 per cent in value. If we look to the increase that is taking place in the import from these several countries, we shall find that it is very great from the United States, rather limited from the Indian possessions, very considerable from Egypt, stationary as regards Brazil, whilst from the West Indies the import has almost fallen to nothing. What I wish to direct attention to is this—that we derive 78½ per cent of our raw material from the United States; and although the increase of production there has been very great, yet the crop is so fluctuating that the cotton trade of this country periodically suffers great difficulties and embarrassments from the real or menaced insufficiency of supply. To give the House an idea of these fluctuations, I will just refer to a few facts. In 1846 the crop was 1,850,000 bales; in 1848, it was 2,700,000 bales; and in 1849 it did not exceed 2,000,000 bales—varying thus 700,000 bales in one year, or in two successive crops, which is equivalent to a falling-off of 25 per cent, and involving a great increase in the cost of the raw material, as well as bringing about short time to the working classes, closing many mills, and, in fact, causing great loss to the manufacturer, as well as to the operatives engaged in the factories. There is another point very important to be observed, namely, whilst the consumption of cotton has been increasing in this country, it has also been increasing to a great extent on the Continent, as also in the United States of America. I was not a little startled by discovering the fact that the United States, in 1849, consumed a larger quantity of cotton than the whole growth of the States produced in 1824. The United States are now using a larger quantity of cotton than we were consuming in 1824; and I therefore think these facts are sufficient to induce me to bring before the notice of the House the great strides that are taking place in the United States; and also the important fact that, whilst this power of consumption is going on over the face of the world, the power of production of the raw material is not keeping pace with it. Some may think it of very little consequence whether cotton be dear or cheap, supposing that manufacturers have it in their power to raise the price of the manufactured article; but when it is

borne in mind that on an advance of a penny in the pound in the consumption of last year the enhanced cost would reach nearly 3,000,000*l.*, and that on an advance of 3*d.* in the pound by reason of the short crop of last year the total increase will be between 8,000,000*l.* and 9,000,000*l.* sterling, the House will see that the consequence of such increase of cost must tend to limit the consumption of articles of manufacture, and involve the trade in difficulties and embarrassments. With regard to the exports of cotton, I find the total exports of this country last year set down at 63,000,000*l.* sterling, of which the cotton trade furnished an amount of 26,000,000*l.*, or 42 per cent of the whole amount of the exports of the country. These facts will show how important it is, if anything can be done, to relieve this branch of industry, and that it is the duty of this House to take steps conducive to that end. But there is another point, that whilst the production of cotton in the United States results from slave labour, whether we approve of any particular mode of abolishing slavery in any country or not, we are all convinced that it will be impossible in any country—and most of all in America—to keep between two and three millions of the population permanently in a state of bondage. By whatever means that system is to be abolished, whether by insurrection, which I would deplore, or by some great measure of justice from the Government, one thing is certain, that the production of cotton must be interfered with for a considerable time after such an event has taken place. And it may happen that the greatest measure of freedom that has ever been conceded, may be a measure the consequence of which will inflict mischief upon the greatest industrial pursuit that engages the labour of the operative population of this country. Such being the state of things, the House, I trust, will not blame me for bringing forward this great question, which occupies much of the attention and consideration of the people of the country with which I am connected. Well then, we look about to ascertain from whence we are to have an adequate supply of cotton. In Australia the population is not large, and the cost of labour is very high; and although the climate may admit of growing cotton, there is no probability we can receive from that colony any supply calculated to alter our condition. Then there is the colony of Natal, and with reference to that colony a gentleman within the last week gave to

the Chamber of Commerce in Manchester some very valuable information as to the growth of cotton there, he himself having grown 50 bales of excellent quality. But the European population is small, and the native population does not exceed 100,000, whilst there is little capital or productive power; so that whatever may be done in future, nothing can be hoped for from that colony for some time to come. The West Indies, in the years from 1810 to 1812, furnished at the rate of 60,000 bales per annum, but taking the last five years they did not supply more than 8,000 bales per annum; and, indeed, it might be said that the growth of cotton in the West Indies is extinguished. There has been an attempt made to revive it; but it would only be deluding the House did I say that I for a moment thought the early growth of cotton there would in any degree make up for the deficiency. Then it comes to this—where are we to turn? To our possessions in India. I think there are reasons to show that there we should be successful. India has always grown cotton, as a reference to history will show. As long ago as 300 years back a celebrated traveller reported on the growth of cotton there; and at this moment there is reason to believe that within the limits of our Indian territory a quantity of cotton is grown, which does not fall very far short of the produce of the whole States of America. The soil and climate are favourable—for the growth of cotton requires heat—the people are accustomed to this particular industry; and if it were necessary to give any proof to show that we are not over sanguine in hoping on this point, I would ask the House to trace the course of the East India Company with regard to this question. I find in their papers of 1836, as also by a return moved for in the last Session by the hon. Baronet the Member for the Tower Hamlets, that in 1788 experiments were made, and that reports were founded upon them. It appeared that seed was distributed, and that in 1794 cleaning machines were sent out, and model farms established. In 1813 the East India Company sent out an American gentleman for the purpose of superintending and stimulating the growth of cotton. In 1818, 1831, and 1836, further experiments were made, and further reports furnished thereon. In 1840 several American planters were sent out, and experimental farms were formed; so that for some sixty years the East India Company have taken

an interest in the matter, and they assert that they have expended no less a sum than 100,000*l.* upon it. Now, I say this, not in condemnation of the East India Company, because I believe they have a wish that the growth of cotton should be extended; and, indeed, it would be difficult to suppose they had not, after devoting upwards of sixty years, with so large an amount of money, to the subject. I merely bring it forward now for the purpose of showing there is reason to hope and believe that India is suited to the growth of cotton; and the East India Company have been of that opinion for the last sixty years. I might quote you the opinions of some of the servants of that Company, as also the evidence adduced before the Commission of 1847, appointed in the Bombay Presidency; but I will pass these over, and come to the testimony of the Select Committee of this House in 1848, of which I was chairman. We have the declaration of that Committee, based on the evidence of most competent witnesses—

“That the soil, the climate, and people, with all the natural circumstances of India, justify our expectations to receive large supplies of cotton from that country.”

Now we come to this fact, that up to this moment there have been no results, notwithstanding all the attempts of Government to encourage the growth of cotton, not by depressing other branches of industry, but by example, and by encouraging and stimulating by the legitimate means open to them. Well, there has been no result; and therefore I want to know if we, the Committee of this House, the East India Company, and the members of the Manchester Chamber of Commerce, are all mistaken in our notions on this matter? If we are not mistaken, then I ask the House what is the next step to be taken? I know not whether the Government will grant this Commission or not: but if not, they are bound to show they have some clear ground on which they rest their opposition to it; they are bound to show they have some other proposition that will be as effectual as that which I now propose. I am disposed, in inquiring why we do not import cotton from India, to look at the condition of the people there. In looking at the condition of a people, you may trace, not indistinctly, their laws and institutions, and argue from that condition whether the circumstances of the Government or its administration are favourable or adverse to the progress of that people. There is one fact that cannot

be too well known or too frequently reiterated, namely, that the condition of the cultivating population of India is by no means satisfactory, and that it is one of extreme, abject, and almost universal poverty. I wish the House to bear this in mind, if they will only condescend to follow me through the line of argument and illustration I intend to use in connexion with it. I never met an individual acquainted with the state of India who denied that the condition of the cultivating population was unsatisfactory; and, as I have never been in that country, I therefore shall entreat the House to listen to the opinions of those who have been, and to take their evidence, not my statements, as to the truth and facts of the case. First, I will call attention to the testimony of a celebrated native of India, who visited this country some twenty years since—I allude to Ramohun Roy, and from whose pamphlet, published in 1831, I take the following extract:—

“Under both systems (the Zamindari system of Bengal and the Ryotuary system of Madras) the condition of the cultivators is very miserable; in the one, they are placed at the mercy of the Zamindars' avarice and ambition; in the other, they are subjected to the extortions and intrigues of the surveyors and other Government revenue officers. According to the best of my recollection and belief, their condition has not been improving in any degree. In short, such is the melancholy condition of the agricultural labourers, that it always gives me the greatest pain to allude to it.”

Well, in three years after, a very distinguished gentleman, Mr. Shore, who filled a judicial position in India, writes, in a concluding chapter of his work, with a view to show that the British Government is not regarded in a favourable light by the natives:—

“The gradual impoverishment of the country by a system of taxation and extortion unparalleled in the annals of any country. The ruin of the old aristocracy, and of all the respectable landholders, which has been systematically effected, in order to increase the Government revenue. At the present moment, no one connected with the land feels a day's security in his possessions; the poverty of the people is almost beyond belief; and this, joined to the almost entire disorganisation of the native society, is causing a rapid increase of crime. The simple and natural inducements here, as in every other part of the world, must, of course, be, first, security of property; secondly, a certainty of reaping the benefits of any trouble or expense incurred. The encouragement given has been to raise the land-tax as high as possible, and appropriate the whole amount to Government; with the exception of a bare sufficiency for the cultivators to exist upon, and to enable them to carry on their next year's agriculture.”

I will now come to a more recent period,

and can give you the opinion of a gentleman, an American planter, sent out in 1840. The gentleman to whom I refer is Mr. Finney, who kept an amusing private journal. He speaks—

“Of villages that have fallen in balance, and are in the hands of Government. These villages, too, that are now a drug in the hands of Government, would be made profitable.”

I could quote several paragraphs from various Indian papers; but I will not trouble the House, because I feel that those extracts I have already laid before it are more to the purpose. I have the evidence of another gentleman, who resided in India 35 years, 14 of which he was employed in the collection of the revenue, and who left the country in 1842. Mr. Saville Marriott thus expresses himself:—

“Left India 1842. Condition of cultivators very much depressed—greatly depressed, and I believe declining; they were declining when I was in India, and I think they had done so from the commencement. He judges from their general appearance, and their being obliged to sell the personal ornaments which formed the principal part of the property of the cultivators, and their cattle, which are the principal means by which they carry on their cultivation.”

There is the evidence of another native of India, who visited this country in 1849; and I will appeal to the right hon. Baronet the Member for Tamworth in favour of the credibility of that gentleman, a native of Delhi, who published a work on Indian affairs whilst in this country. I never met with a man of more dignified character or greater intelligence; and I am sure there is no Gentleman in this House who speaks the English language with greater purity or perfection. That gentleman writes:—

“Throughout my whole line of march (to Bombay) I found the Nizam's territory better cultivated, and the Ryots more happy than in the Company's districts, where the poor peasants are in an actual state of poverty. Here I close these short but lamentably true notes on the present deplorable state of India. I fear they may be a prelude to many such histories which India will yet produce before she can attract the attention of those whose duty may prompt them to do her justice. If there is a will to pay attention to the claims of India on protection of the British Government, it is not merely what I, but English writers themselves, have said on the subject that will justify inquiry.”

The last testimony I will call attention to is the report of the Select Committee of this House in 1848, which, I conceive, will be conclusive on this point:—

“It appears from the testimony of almost every witness, that the condition of the cultivating population of India is one of extreme poverty; and this is stated to be the case in every part of the

country to which the evidence with regard to cotton cultivation specially refers. This observation applies to the western and southern provinces of India, including the Presidency of Bombay and portions of Madras, regarding which the knowledge of the witnesses examined is much more definite and extensive than of the Presidency of Bengal, which latter yields but a very trifling supply of cotton for exportation, in comparison with the other parts of India. Whether under the ryotwarry system in Madras, or under the village system which prevails extensively in the west, the great mass of the cultivators are almost wholly without capital, or any of those means which capital alone can furnish, by which industry may be improved and extended. They are in reality a class of cultivators in the most abject condition. They are indebted to the money lender or banker of the village for the means wherewith to procure the seed, and to carry on even the most imperfect cultivation. They give him security for his loans on the growing crops, which at maturity they frequently dispose of to him at prices more regulated by his will than by the standard of an open market, and often pay 40 or even 50 per cent interest, or even more than this.”

Now, that I take to be conclusive as regards the condition of the great mass of cultivators. I am not making these references with a view to throw obloquy on the Government of India. I bring them forward because upon them I intend to base my argument in favour of the proposition I am about to submit to the House. There is another point to which I will allude. I find in the financial returns of the East India Company a sum put down under the head of “Tuccavy,” meaning advances made to tenants not able to carry on their cultivation. I know not how much is thus appropriated, for the sum is mixed with others; but the whole amount is not less than 500,000*l.* per annum. Now I wish to know if this universal poverty is the fault of the people of India, or is to be attributed to the Government, the fiscal system, or the administration of the law? I will not ask the House to believe it is the fault of the people. I could quote the opinion of Mr. Shore, with many other distinguished men, in proof of the contrary; as also the last and most powerful testimony—the report of the Committee of this House, which declares “there is nothing in the character or social condition of the people which would make it unreasonable in us to expect large supplies of cotton, the produce of their industry.” I am bound also to look at the past history of the country, when it was remarkable for wealth, and which wealth could not have been amassed unless by the industry of the people. I will now come to the question of government, and I may say, at the

commencement, that I entertain no hostility whatever to the East India Company. No feeling against them mixes with my object in bringing forward this question; and I believe I shall have their acknowledgment that I have refrained from bringing charges against them. There are two main points on which all the evidence concurs, and they are important in regard to the present condition and future prosperity of the people of India. On one point there is no difference of opinion, but I cannot say as much for the other. The first point has reference to the internal improvements of the country. The hon. Member for Guildford, himself a director of the East India Company, will admit they have fallen short of that which the people had a right to expect. I will now proceed to lay before the House a few cases on the subject of roads and irrigation. I hold in my hand a letter from a gentleman of eminence in the service of the East India Company, written in September, 1849:—

"I sincerely hope before many years to see the immense resources of this country more developed. Up to the present period nothing has been done to improve it—a few rupees to repair a broken bund that may have cost lacs, only granted after quires of correspondence, or when it is too late to save a noble work from entire destruction. This must ever be the case under our present Government, or until they set aside a certain percentage on the revenue derived from each collectorate for its internal improvement. Each collectorate would then have an interest at stake, and so would the ryots—the reverse is the case at present. The ryots, but particularly the Talookdars, derive no advantage from any improvement; and the consequence is that many of the best families in the province, who were rich and well to do when we came into Guzerat in 1807, have now scarcely clothes to their backs, owing to what they originally paid as a tribute being by our Government converted into a regular revenue settlement, with leases renewable every five or ten years, at each of which some increase is considered necessary, to show that we are lords of the soil. Our demands in money on the Talookdars are more than three times what they originally paid, without one single advantage gained on their parts. Parties from whom they have been compelled to borrow at ruinous rates of interest enforce their demands by attachment of their lands and villages: thus they sink deeper and deeper in debt, without a chance of extricating themselves. What, then, must become of their rising families, is a question which should make Government leave no stone unturned for their improvement and employment. Our new collector seems inclined to do good; but he has too much to do to do anything well."

From Belgaum, a military station farther to the south than Guzerat, I have a letter written by a soldier of the Fusiliers, descriptive of his march:—

"We had our crossbelts and firelocks to carry; at times we were very fatigued. Some marches were very bad ones. Before we were up half an hour we were up to our waists in water, crossing rivers, of which there were many, four or five in one march. The roads were very bad, mere camel tracks."

Another evidence I hold is from a gentleman very high in the military service of the East India Company; and he speaks thus of the roads in the neighbourhood of Belgaum:—

"I am afraid I should altogether fail in attempting to give you any estimate of the loss arising from bad and impracticable roads in the transportation of military stores, &c.; however, from my frequent trips on the roads in question, I can give a pretty true account of their state, and impracticability for carts, during my long residence at Belgaum. This great thoroughfare between Belgaum and Vingorla was supposed to undergo an annual repair, but one season it was not touched, consequently it became almost impassable, so much so that the unfortunate cartmen had to make the road passable, with a small picker they invariably carried, and, combining together, got over the ground with difficulty; and at the principal rivers, as each cross, wait and take their bullocks back, to get a loaded cart out of the bed of the river. The loss of time is incalculable, and the wear and tear and loss of life of men and cattle is melancholy to think of. I more particularly refer to two seasons, when Sir Jamsetjee Jeejeebhoy contracted for timber from the Dandelly Jungles, not far from Hullyhale; the number of bullocks killed on that occasion is almost incredible—timber and skeletons of bullocks were scattered along the road from Patna to Baitsee."

He gives another account of the mode in which this was neglected. He says—

"The natives were so anxious to have this ghaut improved, that Ruttongee, a Parsee, offered to carry it out if Government would allow him the customs for three years, about three lacs, so I was told. I knew the man well, a most respectable Parsee, and Sir Jamsetjee's agent; he has often conversed with me on the subject of roads, and the difficulties of transit, and the neglect of the Government on that point. There are three or four bridges required between Belgaum and the ghaut, neither of them of any magnitude, and yet even foot passengers are cut off sometimes for several days."

I might go over all India, and give similar facts with regard to the state of the internal communication; but I will content myself with quoting one more extract with regard to the roads, from a recent work of Colonel Grant, premising that it has reference to Surat, which is the great cotton-growing district of the country. Colonel Grant says — "This twenty-five or thirty-five miles of track—for roads there are none—are as bad as bad can be." There is another point to which I wish to call the attention of the House, namely, the state of the irrigation. Colonel Grant says—

"Perhaps no country offers better opportunity for applying irrigation to cotton culture on a large scale than the districts of Surat and Broach, particularly the former; or the land lying between Surat and Broach, bounded throughout its length by those two noble rivers, the Nerbudda and the Taptee, running nearly parallel to each other, at the distance of from forty to fifty miles apart. It is painful to see the magnificent volume of water, that for four months of every year runs fruitlessly to the sea, which, if but a fraction of its contents were retained, would fertilise whole districts that now, parched and dry, witness, of what they so much need, flowing by unheeded."

He says very justly that India has a rich soil, great heat, and great moisture, but that the moisture is of no use unless it be preserved by the formation of reservoirs and tanks, and by those modes of irrigation which were in ancient times practised in India, but which have of late years fallen into disuse. Major Cotton, speaking of the district of Rajahmundry, declares that, if a certain work, upon which he is now engaged, and which was reported in favour of for many years, had been carried out twenty years ago, as it might have been, the lives of not less than 100,000 persons would have been saved who perished in the famine of 1838-40. These are facts to which it behoves the House to pay some attention. I would recommend to the notice of the East India Company an extract from a pamphlet written by one of their own officers, Major Dalrymple, in 1783, addressed to Sir Henry Fletcher, who was either then, or afterwards, chairman of the East India Company. He gives this account of the ancient Gentoo Indian Government, in the south of India:—

"A certain proportion is allotted to preserve the tanks and water courses, and this is taken out of the gross produce of the lands, before any partition is made between Government and the inhabitants; and it appears the free-gift lands paid a greater share for the repair of tanks than the Circar grounds."

Then he says—

"The first attention is due to the tanks. In that climate a command of water secures a crop, and when the tanks are made to secure a sufficient store of water, the produce is almost certain; for one night's monsoon rain, if none runs to waste, is almost sufficient to supply water for the season, and, with a command of water, they can have three rice crops in a year."

With regard to the general question of internal improvements, I will give the House an extract from an address presented to the Marquess of Dalhousie, the present Governor General of India, by the natives and European merchants, on his visit to

Bombay, in January last. I can say nothing so strong as this. After observing that their city has a larger population than any city in Europe or in America, except London and Paris, but that the trade is very small compared with the population, and that this arises from the neglected state of the adjacent country, they go on to say—

"So miserable indeed are the existing means of communication with the interior, that many valuable articles of produce are, for want of carriage and a market, often left to perish on the fields, while the cost of those which do find their way to this port is enormously enhanced to the extent sometimes of 200 per cent; considerable quantities never reach their destination at all, and the quality of the remainder is almost universally deteriorated."

They add—

"The roads, few and inadequate, have paid for themselves over and over again. These necessities have been constantly urged on Government by revenue and engineer officers. Little or nothing, however, has been done practically to remedy the existing state of things, which renders it evident there are external hindrances in the way towards carrying the requisite remedial measures into effect."

These grievances they ask Lord Dalhousie to investigate and remove; and they say—

"It is humiliating that while India does not possess one mile of railway, near 2,000 miles have been opened in the United States even since the preliminary surveys for the short line of thirty-five miles, from Bombay to Callian, have been completed."

I might refer to Cuba as an example of what may be done in making communications, and as justifying me in pressing the requirements of India in this respect on the attention of the House. But here is another paragraph from the same address to which I wish the House to attend:—

"It is impossible to over-estimate the inexhaustible supply of wealth, which, in conjunction with improved modes of transit, the irrigation of the country by means of the embankment of its numerous streams and rivers (the precious waters of which at present flow unimpeded into the ocean, without in any way fertilising the land through which they pass) would afford the country. The fertility of the lands on both banks of the Toombodra, at the present day, the effect solely of the noble public works constructed by the ancient Hindoo princes, contrasted with the unproductive borders of the same river where such works are not in action, your memorialists would adduce as a practical illustration of what may be expected from similar undertakings."

I will now refer to the evidence of the hon. Member for Guildford, given before the Committee in 1848. He was questioned as to the amount which the Indian Govern-

ment had expended in a series of years upon improvements such as those to which I have referred. He stated that the amount expended from 1834 to 1848 on roads, bridges, canals, and tanks for irrigation he puts down at 1,434,000*l.*, whereas it appears from the Parliamentary papers that the gross revenue derived in taxes from the people of India during the same period was upwards of 280,000,000*l.* sterling. Now, so far with regard to the question of internal improvements, I think I have at any rate made out a case which is worthy of the attention of Parliament. I am of opinion that no agricultural country can prosper which has not good facilities of communication, so as to be able to take what it produces to the best markets, and to get what it wants at the cheapest rates from other markets. But good roads are not of themselves sufficient to insure the prosperity of a country, or else a neighbouring country, Ireland, would not for so long a period have been suffering great distress. The other point to which I want to draw the attention of the House is one upon which there is more difference of opinion, though the right hon. Baronet the President of the Board of Control and the Directors of the East India Company will perhaps admit that there are as many able and intelligent men to be found on my side of the question as on the other. I refer now to the subject of the fiscal arrangements of the Indian Government, the pressure of the land assessment, and the mode in which that species of assessment is levied upon the cultivators of the soil. Now, the hon. Member for Guildford, when examined before the Committee, maintained that it was a great advantage to the people of India that their revenue should be raised by an assessment on the land. He argued that the assessment is a rent, and that under this system, by which the Government is the landowner, the cultivator had only to pay rent, and escaped taxes. With all deference for so high an authority, I must say that I think there is a great difference between this land assessment and what we call rent. I very much doubt whether any two things could be much less alike, except that both may be counted either in pounds sterling, or in rupees. In this country the competition of tenants for land has a tendency in ordinary times to bid up the rent to the highest sum that the land is worth; while, on the other hand, the competition amongst landlords to secure good tenants has a ten-

dency to bid rent down, and to keep it at that fair and natural point which, while it is profitable to the landlord, allows the tenant a fair remuneration in ordinary times for the capital and skill which he employs in cultivation. But let us see how the Government of India stands as regards its duty as a landlord. The Government of India has the power to fix any proportion of assessment over the major part of the country—it has the power of collecting even to the ruin of the cultivator. In some districts the collectors are magistrates, and I believe even the native collectors have the power to fine and imprison cultivators who do not pay up the arrears of their assessment. The East India Company, when it lets land, meets with no competition. The tenants must have the land, for there is no other means of obtaining a living. The collector can fix any amount of rent which he thinks it probable he will be able to get; and can we doubt that the collector does proceed to the utmost point of endurance? I do not charge the East India Company with working the screw to the utmost extent that it is possible to work it; I am only explaining the way in which this system may be, and I fear often has been, worked. On this subject I will refer to the evidence of two or three witnesses who were examined before the Committee in 1848. I will first refer to that of Mr. George Giberne, who was a collector for fourteen years, and in six different collectorates. Speaking of the remissions which he made, because the rent fixed was more than could be collected, he says—

“Notwithstanding this (remission on short crops, &c.) the rates have been so high that there has been the utmost difficulty in collecting the revenue; and there have been large outstanding balances, and they have been written off afterwards, and this remark applies to every collectorate in which I have been.”

He says he never knew a case “where a man advanced himself solely by cultivation of the land—unless for a time when he had some land rent free, or very lightly assessed, which he threw up when the full charge was put upon it.” This witness added, that on returning to Guzerat, after an absence of fourteen years, he found that the wealth of the inhabitants had fallen off. Mr. Crawford, a gentleman of the highest character, formerly a merchant in Bombay and a member of the Bombay Commission, and now resident in London, says, “The members of the Committee were of opinion the tax was too high in

Guzerat, and that it interfered with the growth of cotton." Mr. Williamson, who had been twenty-two years in India as a collector, was asked whether the ultimate determination of the amount was left to the collector? He replies: "Of course they (the people) cannot carry their point; it is left entirely to the discretion of the collector to fix the amount in reference to the customs of the country." Of course it is not to be supposed that the collector would be entirely exempt from the influence of public opinion; but that check does not, I fear, operate much in India. The witness says, "The prosperity of a whole district mainly depends upon the personal qualifications of the officer managing it." Where the assessment was greatly reduced, he says, "The improvements were general, rapid, and remarkable, in some places almost changing the face of the country." I would now ask the House to listen to a statement of Mr. Davis, a collector in a district in the province of Guzerat—which is the largest producing district. In a report made by him to the Bombay Commission in 1847, he gives a tabular statement of the assessment from 1835 to 1847, and he shows that, taking the whole thirteen years, and estimating the value of the cotton at twopence and 6-7ths per pound, the following is the result:—

13 years—1835 to 1847:—

Value of cotton 2d. 6-7ths, produce of a Beegah, 8s. 5½d.—of which Government takes 4s. 5½d., or 52½ per cent of gross produce.

Taking last 6 years of series:—

Value of cotton only 2d. per lb., Beegah produce, 6s. 6d.—of which Government takes 4s. 5½d., or more than 68 per cent.

The worst year of the series:—

1841-42.—Value of cotton 1½d., Beegah produce, 5s. 8d.—of which Government takes 4s. 5½d., or more than 78 per cent.

Or, if cotton be 1½d. per lb., which is only a safe calculation, the Government rent would be 91 per cent.

A beegah is equal to half an English acre. Mr. Stewart, collector in Surat, shows that the Government took more than 68 per cent of the gross produce. Mr. Davies states further, that in the six years, 1840 to 1846, he was obliged to make remissions of assessments which could not be collected, amounting to 63,000*l.*; that there were written off irrecoverable balances amounting to 81,000*l.* Now probably the right hon. Gentleman the President of the Board of Control will say that these are rare and exceptional cases—that such cases did prevail at one time, but do not prevail now. But what I maintain is,

that the greatest fluctuations are almost inevitable when such vast interests are placed at the disposal of collectors and natives on whom there is no adequate check. For example, the district of Bundelcund had the misfortune in 1815 to have a collector, whose name should, in reference to his conduct as a servant of the Indian Government, be infamous for ever. He raised the assessments in that province to such an extent, that from 1815 to 1835 he devastated and depopulated the province; and I have heard on the best authority, that parents actually offered to sell their children for the tax which they had not means to pay. In 1835 the Indian Government sent out express orders that this state of things should be remedied; but it had then been going on more or less severely for not less than twenty years. In the presidency of Madras, what is called the Ryotwarry system exists; and I will read to the House what Mr. Tucker—a good authority with the East India Company, who wrote some years ago a valuable work on Indian finance—says with regard to this system. He says—

"Who can fail to perceive that the system of revenue administration has much to do in arresting the progress of improvement? Will industry be called into action when the demand of the taxgatherer keeps pace with the produce? Will capital accumulate where there is no security for prosperity, no law but that which is administered under the auspices of a revenue officer?"

Further on he says—

If the deadly hand of the taxgatherer perpetually hovers over the land, and threatens to grasp that which is not yet called into existence, its benumbing influence must be fatal, and the fruits of the earth will be stifled in the very germ."

He also says, what I would not have said myself, because it might have been thought that I was exaggerating—

"When I find a system requiring a multiplicity of instruments: surveyors and inspectors; assessors, ordinary and extraordinary; potails, carnums, tehsildars, and chutcherry servants; and when I read the description of these officers by the most zealous advocates of the system, their periodical visitations are pictured in my imagination as the passage of a flight of locusts, devouring in their course the fruits of the earth."

With regard to the taxation of Malabar, I may remark that I have here the ledger of five parishes of that district, in which the tax is fixed upon every jack tree, every cocoa-nut tree, and every house in certain proportions. Those nut trees which have not begun to bear are not charged; those which are past bearing are also exempted; and when all these minute particulars of

management are left to native collectors, who are paid most inadequate salaries, and who are of necessity subjected to certain influences to which men so situated are ordinarily liable, the favouritism, the inequality, and the extortion practised under this system, must be such as I cannot adequately describe, and the House could hardly credit. Here is a paper which was drawn up by one of these native collectors—a paper furnished to him by Mr. Græme, who was some years ago, and may be still, a collector in the district of Malabar. From this it appears that there are 18 or 19 heads in the scale of charges for a jack tree and for other trees. The native collector, going to any orchard or garden, is to fix the tax on the trees within its limits, and, as every tree is to be charged, the House will see how impossible it is that anything like proper control should be exercised over the vast army of collectors spread over the presidency of Madras. There is in this paper a distinction between moist or irrigated land and dry land; in fact, the distinctions are multitudinous, and I am quite sure every one must admit that such a system of taxation requires alteration. I admit that there may be a difference of opinion on the subject of the fiscal system of India; but the more I admit that, and the more the House adopt the same view, the more justified am I in asking the House to grant the inquiry for which I am about to move. If the mode of assessment be as bad as these witnesses have described it to be, the sooner there is an inquiry the better; if, on the other hand, I am mistaken in my view, along with many others, the sooner the mistake is corrected the better. Well, now, I come to the objections which I suppose it possible that the right hon. Gentleman the President of the Board of Control may offer to this Motion. I will assume that he thinks inquiry unnecessary. I hope he will not say that the best course would be for the merchants of Manchester to go over themselves, or to send somebody to India to buy cotton. When we have advanced so far in commercial matters, I think no one will get up and suggest such a remedy as that. Why, the Bombay merchants declare that they cannot get into the interior of the country, and that the inhabitants of the interior cannot get to them, for want of proper communication; therefore, I do not think it will be said that the merchants of Manchester ought to leave their mills and counting-houses in order to go and encour-

age the growth of cotton. The right hon. Gentleman may urge that information enough has been obtained through the Bombay Commission, and the Committee for which I moved in 1848. Does the right hon. Gentleman remember that the Indian Company said the same thing before the Committee sat; and will any one say that the labours of this Committee were in vain? Perhaps the right hon. Gentleman will tell us that the recommendations of the Commission and Committee are being carried out. How are they being carried out? By the project of 35 miles of railway from Bombay, about which there is as yet the greatest possible dispute. As regards the proposition to make a railroad from Bengal, I perceive that a newspaper favourable to the Government admits that there are certain difficulties which may prevent this railway from being made at all. Nothing is being done on a system, nothing on a great scale—the Indian Government are not taking up the subject as the great subject which ought to engage paramount attention. The Bombay Commission of 1847 says in its report—

“We regret that the imperfect information before us does not enable us to do more than express a general opinion as to the quarters to which we consider it desirable that the special attention of Government should be directed, with a view to the revision of the present rates of assessment.”

The Committee of the House of Commons say, in their report made in the year 1848—

“We have not before us the means of forming an opinion as to how far the reductions made have placed the assessment generally on a satisfactory footing.”

They add—

“We regret we have no information which would enable us to speak with any confidence regarding the cotton district of Candeish, but we are informed that little in the shape of systematic revision has been effected there since the country first came into the hands of the British Government.”

The Committee also say—

“The limited nature of your Committee's inquiry, which rendered it impossible to institute a full comparison between the condition of the cultivator in the south of India, and those provinces where a system of more moderate assessment has prevailed, on which so much of the controversy turns, renders it impossible for your Committee to pronounce a confident conclusion as to the degree of weight that is to be attached to either of these representations.”

Now, we know that cotton may be grown in India to any extent, but that there are some causes in operation which retard its

growth. I propose that there should be a Royal Commission to inquire what the obstacles are. We know perfectly well that in this country it is not enough to have one report; there must be report after report, and the public mind and the mind of Parliament must be saturated with evidence before any steps can be taken. Take the case of Ireland. We have had sitting in this House, from the year 1800, no less than 100 Gentlemen, representing every county and all the largest towns of Ireland; previous to 1845 we have a dozen reports with regard to the condition of Ireland; and yet in 1845 the right hon. Baronet the Member for Tamworth appointed a commission over which the Earl of Devon presided, simply to inquire into the nature of the land tenures of that country. Perhaps the right hon. President of the Board of Control will want a precedent. I will give him one, which seems to me to fit exactly. In the year 1822 a Motion was made in this House with reference to the appointment of a commission to visit the colonies of the Cape of Good Hope, Ceylon, and the Mauritius; and the following were amongst the instructions to the commissioners, which were signed "Bathurst." With regard to the Cape, the instructions run thus:—

"The tenures of land will be considered with a view to the assimilation of the old and modern rates of assessment and to encourage agriculture."

With regard to Ceylon the inquiry was

—"directed to the original tenures of land, the expediency of making grants of land, and the conditions on which such grants should be conferred, and the system of cultivation in the Cingalese and Kandyan provinces; to the effects of loans to landowners, and aids afforded by Government; the effects of gratuitous and compulsory services, and means of commuting them; the disposal of the Government share of crops; the means of promoting the growth of subsistence,"

&c.; and the document finishes thus:—

"I shall conclude this communication with observing, that it is not meant that you should be precluded from pursuing any other object of inquiry, which, though less prominent than those which I have enumerated, may usefully contribute to the stock of information which it is the desire of His Majesty's Government to collect, in order that they may be enabled to decide upon such measures as are best calculated to promote the immediate improvement and secure the lasting welfare of the valuable possessions to which you are about to proceed."

The information in the report of that commission is very extensive and very valuable, and led to several important ameliorations in the condition of the peo-

ple of Ceylon, and the policy pursued there. The right hon. Gentleman the President of the Board of Control may say that some difference exists in the case of Ceylon and that of the East Indian territories. Let us look over the clauses of the charter, and discover how far Parliament has a right to interfere with the question as far as it is connected with India. The 25th section is as follows:—

"Section 25. Board of Control invested with full power to control all acts, operations and concerns of the said company, which in anywise relate to or concern the government or revenue of the said territories, &c."

The right hon. Gentleman will correct me if I am wrong in saying that he is at this moment one of the members of a secret committee which has the absolute government of India. We have it from himself, that he himself is responsible for that government. The right hon. Gentleman can send a despatch out to India at any time, ordering either peace or war; he has the power of involving India in enormous expenditure, which the East India Company, though they disapproved of it, would be compelled to assent to. There was, therefore, the absolute power of Parliament over the whole East Indian territories, just as there was over any of our colonies. I refer again to the last Charter Act:—

"Section 30. No official communications to be sent by the Court of Directors except such as the Board of Control may allow."

"Section 51 reserves and declares the power of Parliament supreme over the East India Company and the Governor-General of India."

I state this to show the inconsistency which insists that whilst we send commissions to Ireland, Ceylon, or Canada, there are objections to our sending such a commission to India. I am prepared to show that with regard to India there are special grounds why such commission should be sent. I feel that if we take into consideration the expenditure connected with the Indian wars we shall find many matters connected with them which will afford important subjects for consideration. If battles were fought, and victories gained, was it not the Imperial Government that bestowed the honour and pensions? This is one of those cases which I think is peculiarly open to the investigation of Parliament, if Parliament thinks proper to issue a Royal Commission. I wish now to direct the attention of the House to the question of Indian finance. I will quote a passage from the speech of the right hon.

Baronet the Member for Tamworth, on introducing his budget in the year 1842. The right hon. Gentleman says—

"In addition to all this, those events of which we have had recent cognisance, as having occurred in Afghanistan, may, and so far as I can form a judgment, will, impose upon Her Majesty's Government the necessity of calling on Parliament to sanction, perhaps, a considerable increase in the Army Estimates. I am quite aware that there may appear to be no direct and immediate connexion between the finances of India and those of this country. but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country. Sir, I am sorry to say that Indian finance offers no consolation for the state of finance in this country. I hold in my hand an account of the finances of India, which I have every reason to believe is a correct one; it is made up one month later than our own accounts—to the 5th of May. It states the gross revenue of India, with the charges upon it; the interest of the debt; the surplus revenue, and the charges paid on it in England; and there are two columns which contain the nett surplus and the nett deficit. In the year ending May, 1836, there was a surplus of 1,520,600*l.* from the Indian revenue. In the year ending the 5th of May, 1837, there was a surplus of 1,100,000*l.*, which was reduced rapidly in the year ending May, 1838, to 620,000*l.* In the year ending May, 1839, the surplus fell to 29,000*l.*; in the year ending May, 1840, the balance of the account changed, and so far from there being any surplus, the deficit on the Indian revenue was 2,414,000*l.* I am afraid I cannot calculate the deficit for the year ending May, 1841, though it depends at present partly on estimate, at much less than 2,334,000*l.* The House then will bear in mind that in fulfilment of the duty I have undertaken, I present to them the deficit in this country for the current year to the amount of 2,350,000*l.*, with a certain prospect of a deficit for next year to the amount of at least 2,470,000*l.*, independently of the increase to be expected on account of China and Afghanistan; and that in India, that great portion of our empire, I show a deficit on the two last years, which will probably not be less than 4,700,000*l.* [*Hansard*, vol. lxi., pp. 428-9.]

That statement of the right hon. Baronet, as it afterwards turned out, was slightly exaggerated. Now, I will give the amount of each year from that time to this:—

Deficit, 1841, estimated at.....£2,334,000

Turned out to be only.....	£1,754,825
1842.....	1,771,603
1843.....	1,346,011
1844.....	773,156
1845.....	743,514
1846.....	1,495,376

£10,298,485

Deficit 1840 to 1846.....	£10,298,485
" 1847.....	971,202
" 1848.....	1,016,938

Total deficiency, 9 years, 1840 to 1848..... £12,285,625

I am not afraid that the right hon. Baronet will accuse me of introducing matter which is not relevant; for in truth it does bear on this question of the Commission, for although I bring forward this question in the performance of my duty, as a representative of the constituency of Manchester, and as one of the representatives of the industry of that district, yet I say that it bears on the subject, and that these are points which it behoves Parliament to attend to. There is another point, and it is about the last to which I will refer. It is with regard to the revenues, and the enormous power which is vested in the East India Company. I doubt if the House is aware of the amount of revenue which the East India Company collects from India. I find that in the fourteen years from 1834 to 1847, the following gross amount was collected:—

14 years, 1834-1847—Bengal .	£134,021,928
Agra.....	73,705,132
Madras...	68,964,186
Bombay..	39,452,409

£316,143,655

Or an average of more than 22½ millions per annum.

Land revenue—Bombay and Madras.

15 years, 1834-1848—Madras .	£48,906,962
Bombay .	26,983,549

£75,890,511

Or an average of 5,059,367*l.* per annum.

Comparison—Revenues of India and United Kingdom.

United Kingdom, 14 years, average gross	£56,000,000
Deduct debt, funded and unfunded	29,000,000
Disposable "revenue, including charges of collection.....	25,000,000

Indian revenue, 14 years, average gross	22,500,000
Deduct revenues and dividends about	2,610,000

£19,890,000

Or, in round numbers, 20,000,000*l.* of disposable revenue.

That leaves the disposable revenue of the East India Company, 20,000,000*l.* against 25,000,000*l.* of the disposable revenue of the united kingdom. In bringing these matters before this House, I do so not only on the part of Manchester and the cotton interest there; but I do so on the part of

the whole country, and the British subjects in India. It is on behalf of all these interests, for they are indissolubly connected, that I call upon the Government to grant the Commission which I ask for. I do not know the arguments that can have any weight against the statements which I have made in bringing forward this question. The right hon. Gentleman the President of the Board of Control may say that it is not possible that cotton should be brought from India, or that the Commission may not be able to get any valuable information. On either of these grounds he may refuse to grant it. But I have shown that there is an important industry in this country, great in every point of view; and that the perils with which it is surrounded are now very great, and that every man, whether he be an employer or a workman, would be in favour of the proposition which I submit to the House. I have shown that India has a clear right to come to this House for the redress of grievances if they exist. The population of India is helpless unless Parliament comes forward to its relief. I have also shown that the interests of every portion of this great empire, of which Parliament is so proud, are involved in the question which I have submitted to the House. I suspect that the real point of objection is a feeling of delicacy with regard to the East India Company, and that the Government does not wish to show that they have any want of confidence in that ancient corporation. I do not blame them for that feeling, but I ask them whether it should weigh against the great interests which I have endeavoured to show are so deeply affected by this question? The Charter Act will expire in the year 1854, and next year the Company will have to give notice whether they wish for its renewal or not. Parliament unfortunately does not know much about these Indian matters; indeed, I myself do not profess to be very conversant with them, though I have paid considerable attention to them. I will ask them, would it not be desirable that we should understand the question, and whether they would be less able to decide on the future government of India three or four years hence, if this Commission were appointed, and they had the result of their investigations laid before Parliament? I think that on all grounds the interests concerned in this question should weigh much heavier in the estimation of the noble

Lord the First Lord of the Treasury, than any feeling which the Government may entertain with regard to the East India Company. I avoid making any attack on that Company. I am not at all insensible to what is worthy of commendation in their conduct and policy; though I must add that they have made mistakes of a serious nature. There will be differences of opinion as to our policy in the East. Many regard with unmixed pleasure our acquisition of those vast territories, as sources of wealth, and of glory to the British name; others will dwell with pain on the violence and crimes which have too often marked our career in India. All, however, must agree, that since these immense territories have come under the dominion of the British Crown, it is our duty, if there be any grievances supposed to exist in India, to inquire into them, and if they be proved to exist, it is our duty to consider the best mode in which they can be remedied. I think I have the support of a large and influential class in the north of England in making this request. I think I ask nothing unreasonable. I do not look for a Commission, the members of which I am to appoint. I am merely asking for a Commission to be appointed by the Crown, under the advice of the responsible Ministers of the Crown; and I feel that if I were a member of the Indian Government, knowing that the Commission had the confidence of the Crown, I would hail its existence as something which would test the good conduct of the Indian Government, and which, if any deficiency were discovered, would point out a sure method by which an improvement would be secured. I do not know what answer the noble Lord can make, if he rejects this inquiry. It will not be the rejection of the East India Company, it will not be the rejection of the right hon. Gentleman the President of the Board of Control, it will be the rejection of the noble Lord. Can the noble Lord answer to his conscience, to the country, and to India, if he rejects this Motion? But if the noble Lord cannot bring himself to comprehend the gravity of this question, I will then turn to the House, and I will ask you to manifest your interest in the well-being of a great industry at home, and to show your sympathy for the countless millions of our Indian population, who, if they have no voice within these walls, are but the more entitled to your consideration and regard.

Motion made, and Question put—

"That an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Commission to proceed to India, to inquire into the obstacles which prevent an increased growth of Cotton in that country, and to report upon any circumstances which may injuriously affect the economical and industrial condition of the native population, being cultivators of the soil within the Presidencies of Bombay and Madras."

SIR J. HOBHOUSE said, he had to request the indulgence of the House in calling its attention to the various topics which had been introduced by the hon. Member in the course of his speech. It was impossible for any one in that House—and certainly for himself, who might be supposed to be conversant with the matter—to refrain from looking to the subject which had been so ably introduced to their notice with great anxiety. He could assure the hon. Gentleman that ever since he had given notice of this Motion, he (Sir J. Hobhouse) had endeavoured to examine the question in all its bearings; and he would add, that if he thought the plan proposed by the hon. Gentleman would answer the object he had in view, he would at once say, "Take the Royal Commission, and make the best you can of it." The Motion of the hon. Gentleman involved not only the question which appeared to be the primary object of it—namely, the best means of securing a large and constant supply of cotton from India, but, according to the terms of the Motion, it involved the economical and industrial position of the people of India, and not only their economical and industrial condition, but also the effect produced by the Government of the country upon the condition of the people. With respect to the peculiar emergency of the time, he could not say that the hon. Gentleman had made out a case; for he found, on looking to the returns, to which the hon. Gentleman had also referred, that the importation of cotton from all countries showed an immense increase during the last three years. He found the importation of raw cotton in 1847 to be 474,707,615 lbs.; in 1848 it increased to 713,000,000 lbs., and in 1849 there was no falling off, for it amounted to 775,469,000 lbs. With reference to Indian cotton, also, he found there was no diminution; for, taking a very recent period, he found a quotation in a Manchester paper which fully bore out his statements, for it distinctly stated that, instead of there being any diminution in the importation, there had been a great increase.

That paper gave a quotation from the circular of a leading commercial house, in which it was stated that the importation of Indian cotton into London, Liverpool, and Glasgow, between January 1 and May 23, 1850, was 124,000 bales. The whole of this was from the presidencies of Bombay and Madras, as none had come from Bengal or the north-west provinces. During the same period of last year the importation of East India cotton was only 30,000 bales. The hon. Gentleman confessed that the East India Company was not to blame for any deficiency in the supply of the article, so far as paying due attention to the subject was concerned. He was, indeed, obliged to own that from 1788 to 1847 there had been a vast number of reports addressed to the Indian Government on the cultivation of cotton. If hon. Gentlemen would look into these reports, they would see that since 1788 the East India Company had never ceased to attend to this great subject, and that they had done all in their power to increase and improve the cultivation of the plant. Dr. Royle had recently published a pamphlet containing a summary of the proceedings of the East India Company in this matter; from which it appeared, that from 1788 to 1839, when the Earl of Auckland wrote his admirable minute on the subject, the Company had carried into effect no fewer than 29 different measures for promoting and improving the growth of Indian cotton. In 1839 and 1840 the Company went to great expense for this object in sending ten American cotton planters to India. Three were sent to Madras, three to Bombay, and four to Bengal. A number of extensive farms were established for them, to show to the natives what improvements could be made in the cultivation of cotton, as well as the best modes of preparing it for the market. Even last year not less than 200 improved cotton saw-gins had been sent to India by the East India Company, and a large reward had been offered for the invention of a machine best calculated to improve the cleaning of cotton. A mail hardly ever went to India without some allusions being made to the importance of advancing this object. The hon. Gentleman had alluded to the Bombay Committee of 1847, on the cultivation of cotton; that Committee had published some valuable reports, which he believed were highly estimated by the Committee of the House of Commons which sat on this subject in

1848. The latter was a very fair Committee; the hon. Gentleman (Mr. Bright) had the nomination of it, and was chairman of it. He (Sir J. Hobhouse) knew there was not any available authority acquainted with the subject who was not examined before that Committee. There was no objection made to the appointment of this Committee; on the contrary, the Government was willing that the hon. Gentleman should have the Committee, and have all the best means of obtaining accurate information placed at his disposal. The report of that Committee was agreed to in the month of July after a long sitting. He believed the hon. Gentleman did not quarrel with the evidence given before that Committee. On the contrary, the hon. Member, in a speech which he made at Manchester, said the evidence was of very great importance; but the hon. Gentleman added that he would not pledge himself to the value of the report. It appeared, however, to him (Sir J. Hobhouse) that the report was a very fair deduction from the evidence given before the Committee. The Committee did not recommend that which the hon. Gentleman now proposed, that a Royal Commission should be sent to India, either to suggest a remedy in regard to the present mode of cultivating cotton in India, or to investigate the other subjects to to which its attention had been directed. The Committee said, that the costly experiments of the East India Company had not materially improved the cultivation of cotton, nor the mode of sending it to market. The Committee also observe—

"In the Bengal Presidency, and in the north-west provinces, constituting the Presidency of Agra, no success has hitherto been obtained in cultivating the American cotton, and the improvements in cleaning the indigenous variety have not led to any result of importance, as the staple is so short as to render it little suited to the ordinary wants of the English manufacturer."

Shortly afterwards the report states—

"The cultivation of American cotton has been introduced with perfect success into the southern Mahratta country, within the Bombay Presidency, and into the province of Coimbatore, within the Presidency of Madras. The cotton produced from New Orleans seed, under the superintendence of Mr. Shaw, the collector of Dharwar, and Mr. Mercer, one of the American planters, has met with full approbation from the manufacturers, and been pronounced to be equal to the fair American. The province of Coimbatore appears to be even better suited, in soil and climate, for the cultivation of New Orleans cotton than the southern Mahratta country. That produced under the superintendence of Dr. Wight has been pronounced to be superior in quality to that grown in the

Dharwar district; and there appears to be a vast extent of land fitted for its production."

The Committee add—

"On the whole, your Committee see reason to apprehend that if the exertions of the Government were relaxed, the cultivation might return to its old course, unless this subject were taken up by men of capital and enterprise, or some other means adopted to supply that stimulus to exertion and improvement which is now afforded by the Government."

He believed the Committee were perfectly borne out in these conclusions by the evidence given before it. But why, he would ask, was it that British capital and intelligence were not applied to the cultivation of cotton in India as they were to other commodities in that quarter? That was the real question; and when the Committee began to consider that point, then it was that their differences arose. The Committee agreed on all other matters, but split upon that, and never appeared to have agreed afterwards. In order to find out how it was that British capital was not applied in India to the cultivation of cotton, they thought proper to enter upon that vexed question—the land settlement. Some hon. Gentlemen said the land assessment had nothing to do with the question, while other persons said the whole matter of the cultivation of the soil was involved in it. Whatever difference might have arisen on this or other points, the Committee did full justice, and he hoped the House of Commons would also do justice to the East India Company. They admitted also that many obstructions which formerly existed to the cultivation of the soil had been removed. Formerly the land assessment had been taken on the nature of the produce, and not on the character of the soil. The latter mode of taking the land assessments had, by order of the Indian Government, been extended to the greater part of India. The inland custom duties, and the taxes on the inland conveyance of goods, which formerly were paid, had also been removed. He recollected, two or three years ago, the Chamber of Commerce of Manchester made complaints of the existence of these charges. The fact was, however, that they had been long previously abolished; in one Presidency eight years before that period, in another four, and in the other two years. At the time the complaint was made, no imposts of the kind were in existence. It was worth while attending to this fact, as it showed that charges of this kind were not uniformly true, although they emanated

from the Manchester Chamber of Commerce. At this very moment the East India Company were going on with this important work, and were as much alive to its importance as the hon. Gentleman himself. But, at the same time, he thought it necessary to say, he very much doubted whether such an additional quantity of cotton, or such an improved article, ever could be brought from India, so as to enable that country to compete with America for our supply. Of course, he did not mean to say that every effort should not be made to add to the cultivation, and to improve the quality of the material; but there was something in the Indian production which prevented it from successfully competing with American cotton. He would mention two or three points in relation to this part of the subject, in order to prevent Gentlemen from supposing it was to be taken *pro confesso*, that we could at any time get so large a supply of cotton from India as to enable us to dispense with our supplies from America. Dr. Royle, than whom no man had paid greater attention to the subject, and who had the greatest anxiety for the success of the experiment, said, after quoting the opinion of Mr. Crawford—he should rejoice to believe Mr. Crawford—but his real belief was—

“That the great mass of cotton produced in India is not so fit as the American cotton for British manufacture, owing to the shortness of the staple, and the dirty state in which it was sent into the market.”

Independently of this fact, he (Sir J. Hobhouse) found that American cotton had, upon an average, not more than 12½ per cent of dirt in it, whilst Indian cotton had upwards of 25 per cent. In America, also, from 250lbs. to 400lbs. per acre were produced; but in India the produce was not more than from 50lbs. to 100lbs. of clean cotton. How was it possible competition could be carried on between these countries, when there were these inequalities in the amount and quality of their productions? There was another point which ought to be remembered, to which public attention had been called in a very able article in the *Examiner* newspaper, written, as he understood, by a gentleman who knew India well from a long residence in that country. This gentleman said, very properly, that the difference between the cultivation in India and in America was very great in one most important particular—that though we could count

upon exports from America, generally speaking, there was one reason why we could not count upon supplies from India, namely, that there were 120 millions of natives to be clothed there with their own cotton. This being the case, it was not very likely that after 120 millions of natives had been clothed, there would be such incentives to production as to make large exports very probable. The writer of the same article made this reflection upon this circumstance:—

“Suppose you allow 10s. worth of clothing per annum for each individual (which was not a very high estimate), the whole cost of clothing the people of India would be 60,000,000*l.* a year.”

Now he should like to know whether that was not a higher value than was paid in any one year for the manufactured article in England? But there was no reason why, if the quantity of other produce could be increased by the application of capital and industry, the quantity of cotton should not also be increased, except there was something peculiar in the nature of its cultivation. The cultivation of indigo and opium had increased to an enormous extent. He had a statement in his hand showing that the quantity of opium sold in Bengal in 1839 was 18,563 chests; in 1840, 17,858 chests; in 1841, 18,227 chests; in 1842, 18,362 chests; in 1843, 15,104 chests; total 88,114 chests; average for five years, 17,623 chests; in 1844, 18,350 chests; in 1845, 21,437 chests; in 1846, 22,038 chests; in 1847, 21,649 chests; in 1848, 30,493 chests; total, 113,967 chests; average for five years, 22,753 chests. The number of chests sold in 1849 was 36,459. In the article of indigo there had also been a very great increase of cultivation. He would also observe, that it had been proved there was nothing in India to prevent the natives from cultivating indigo, if persons of capital and intelligence encouraged them; and he would ask the hon. Member for Manchester, whether there was anything to prevent such persons from encouraging the cultivation of cotton? The quantity of indigo exported by sea from the three presidencies for a period of three years was, from Bengal, in 1845-46, 76,397 cwt.; in 1846-47, 73,914 cwt.; in 1847-48, 67,635 cwt.; from Madras, in 1843-44, 18,906 cwt.; in 1844-45, 30,879 cwt.; in 1847-48, 10,631 cwt.; from Bombay, in 1845-46, 927 cwt.; in 1846-47, 690 cwt.; in 1847-48, 901 cwt. In the article of sugar there had also been a great increase of production. In short, in all these great articles

of produce, there had been no falling-off in the production, but the cultivation had gone on steadily increasing; and he saw no reason why it should not be just the same with respect to cotton, if the natives had the same motives for following the occupation. They preferred, however, producing grain to cotton, because they could eat it themselves, and they preferred the cultivation of other products which were easy of sale or export; and so long as that was the case, it was impossible to expect the cultivation of cotton could keep pace with the cultivation of other articles. The hon. Gentleman, however, had dwelt upon the land assessment, and had spoken of the cultivators of the soil in a way which induced a belief that he was not exactly acquainted with the real condition of the people. The ryots in the Madras Presidency, or wherever else they were found, were not the mere serfs and slaves the hon. Gentleman supposed them to be. He found, indeed, with regard to the taking of the experimental farms for the cultivation of cotton, that a regular bargain was made by the ryots, and that they would not allow their land to be taken for the purpose except they had made a very good bargain. This subject was alluded to in the cotton papers of 1847; where there was the copy of a bond required by a ryot, which would show the fact to be as he had stated. This document showed that the ryots were not serfs and slaves who had no power over their own land. The hon. Gentleman had further alluded to the manner in which the assessments were raised, and he had asserted that balances were kept up against them until the Government stepped in and took all. He assured the hon. Gentleman that he was mistaken, that the assessments were very often diminished, and that there was a power of appeal, and that nothing was more common than for such appeals to be successful. But in order to show the inclinations of the East India Company in this respect, he would quote the following passage from a despatch forwarded only three days ago with regard to the remission of some of the balances:—

“As the whole of these large balances are due from estates which have come under the late summary review of settlement, and as they generally disappear in the application of the revised Jumma, they are evidently mainly to be ascribed to over-assessment, and their remission was therefore perfectly proper.”

And at this moment the subject of a revision of other assessments was before the

Court of Directors. The hon. Gentleman in the course of his speech had charged the East India Company with neglect in relation to the roads of the country and to irrigation. He would not enter upon the question of railways, because his hon. Friend the Member for Westbury had explained on a previous occasion what the Government had done in that matter; but with respect to canals, 353,732*l.* had been expended on the Delhi, or Western Jumna Canal, 190,517*l.* on the Doab or Eastern Jumna Canal; on the Ajmere Canal there had been expended, up to 1845, 12,000*l.*, making a total of 556,249*l.* in Bengal; and it was estimated that 1,000,000*l.* would be required to construct one of the greatest works in which a Government ever was engaged, namely, the Ganges Canal, which had been going on since Lord Hardinge commenced it. An irrigating canal, in the district of Tanjore, was completed in 1837, by Major Cotton, at a cost of 30,000*l.*, and similar works had been commenced by the same officer on the Godavery river, which were estimated to cost 200,000*l.* About 100,000*l.* more were annually expended in other parts of the Madras territory for tanks and channels. In the Bombay Presidency, also, there had been large disbursements for the same purposes. In the province of Scinde the amount disbursed by the Government in clearing out and maintaining the canals amounted to 25,000*l.*, and he was happy to say the present Governor General had given orders that, in the newly acquired province of the Punjab, 50,000*l.* should be annually expended on works of irrigation. With respect to what his hon. Friend had said of the mode of applying the revenues of India, his hon. Friend ought to recollect what had been done with a large portion of these revenues in undertaking and completing great wars—a topic on which it was unnecessary to enter. If much of the income of the country was expended in one particular manner, it could not be devoted to any other; but he hoped there would be no further occasion for great military operations, so that the portion of the revenue of India not applied to the vast establishments connected with that country abroad and at home, might be applied as had been indicated. At any rate he could fairly claim for the Indian Government the merit of not having neglected the duties of their position. He would now turn to another point in the argument of the hon. Gentleman—that which related to the important

question of an improvement in the condition of the people. He had two documents in his possession, which would go very far, not to contradict the statement of the hon. Gentleman on this subject, because there must always be a part of the population of every country in a state of poverty and misery, but to show that there had been a decided improvement in the condition of a portion of the people of India. In 1846, Mr. Hamilton Bell, a merchant, and not connected with the East India Company, wrote to the collector of the Agra Government :—

“ I support my opinion of undiminished cotton cultivation in our own districts on several grounds. It may be assumed as undeniable that, in the north-west provinces much more land is now under cultivation than was the case thirty years ago ; and, from all I can learn, the usual proportion of one-fourth of the khureef crop is still general. I imagine we may consider the population considerably increased in the last thirty years ; and although the superior and middle classes are certainly much impoverished, I believe the condition of the mass of the population improved. My personal, not inattentive, observation, extending locally over the last twenty-three years, supports this impression. The wages of labour have certainly increased, and many old kisans (cultivators), with whom I constantly converse when out in the districts, have lamented to me the degeneracy and profusion of the present times, remarking that in their younger days the lower classes were exclusively fed with the inferior description of grain, whereas now, barley, and even wheat, have become the common food of the hired labourer. The improvidence of the native character is opposed to accumulation in the agricultural class for any other purpose than marriage and religious ceremonies. They spend what they earn, and I conceive it is not an unfair assumption that those who feed better will seek better clothing. If they can afford to spend more on their food, we might conjecture they would appropriate more for their clothing ; but if we were to consider the same amount as previously disbursed for their apparel, this would establish a vastly enlarged demand, and a proportionate increase of consumption of the raw material for their manufactures.”

The other document came from a gentleman whose merits the hon. Gentleman the Member for the Tower Hamlets would at once acknowledge. It was from Mr. Freer, the Commissioner at Sattara, who went into the recently settled district near Poonah, with which he had been formerly well acquainted; and it would be seen that he gave a most favourable account of the improvement in the condition of the natives. This gentleman's testimony was the more important, because it was a private letter to a friend in London, written without any object except that of giving information :—

“ Camp Phultun, Sattara Districts,
Dec. 13, 1849.

“ It is now just fourteen years since you picked me up there (Indapoor district), after I had served my apprenticeship under Goldsmid, and I could not have believed that the period could have done so much for what was then the most miserable district in the Deccan. It of course still continues one of the least favoured by nature, barren in soil, ill watered, and uncertainly and scantily supplied with rain ; but these natural disadvantages have been, as far as possible, neutralized by good administration. You may remember that in 1834, full two-thirds of the land was waste ; now, there is not a field uncultivated, unless purposely kept so for grazing. The tillage was then most imperfect and slovenly ; it is now equal to the excellent cultivation of the Christina valley, and far superior to that of the Sattara villages on the south side of the Neera, which in 1834-5 were far superior to Judapoor. The difference is most marked this year, which from unprecedented deluges of rain has been most unfavourable. Here (Sattara) there are no crops in many villages, the seed rotted in some fields, the young plants were choked with weeds in others. Throughout Indapoor, with precisely the same drawbacks, there are crops to feed the people and pay the rent, though gained, I was told, by great expenditure in labour and often in seed, some farmers having sown the same land four times over before they got the plants to come up and thrive. But this high farming, for it is nothing else, the effect of having plenty of cattle and money at command, and heart, has carried them through a bad year. They will, though with difficulty, pay their rents, which cannot be done here. In no single village did I fail to observe the recent marks of prosperity, in new and newly-rebuilt houses, some two attics high ; temples, village walls and gates, chowrees, &c. Three villages, which I remembered waste and uninhabited, were thriving, and numerous hamlets had sprung up. The great money-lenders complained that there was no trade, but, on inquiry, I found that it was the trade of money-lending which had fallen off. The ryots are so well off they are tolerably independent, and either do not want to borrow, or are able to get it on reasonable terms, without submitting to extortion—9 and 10 per cent, instead of 12 and 50—a great change. The number of shops had marvellously increased ; Indapoor Bazaar was at least double its former size, and Nullus, which used to be a decayed market-town with one shop, has now twenty-three. In 1835, or later, there was not one cart, with wooden wheels, in all the district ; the stone-wheeled manure carts were very rare—now, standing at the Tudapoor town-gate, I counted upwards of 100 attending the bazaar, and saw some in every village. But the most marvellous change was in the people ; from being the most wretched, depressed set in the Deccan, they have become thriving, independent fellows, and thoroughly grateful for what has been done for them. When it was known that I was coming, they turned out in crowds, delighted to see again any one connected with the reassessment, and doing all in their power to show how glad they were to see me. The district officers whom you examined when first you wrote about the state of the country, asked much after you, and took me to see the house where you visited them. I was overwhelmed with questions about Goldsmid, and

Wingate, as well as Mansfield and poor Nash, and every one had some anecdote to tell, or something to ask about Goldsmid, who runs a good chance of being manufactured into a popular village deity, and taking the place of Mahadeo, or even Marotee. I felt quite convinced that it would be no easy matter to hatch a rebellion there. In fact, it convinced me more than ever, that our hold on the people of the Deccan is our revenue administration, and the effect is not confined to our own districts—it is felt here, and is, I am satisfied, the most effectual, if not the only counterpoise, to the discontent of the upper classes. I have seen it particularly since the annexation. The upper classes are evidently either sulky or suspicious, and a spark would set them in a blaze; but the lower orders everywhere hope that our liberal measures, in reducing assessments, &c., will now soon reach them. They always ask me about it, and often say, 'We have had many good rulers of our own, but the Company is the only Government that ever voluntarily reduced its demands to the limits fixed by the shasters.' Perhaps the most satisfactory feature about Indapoor is that, except for the first two years of Goldsmid's and Mansfield's administration, the district had no special advantages. The whole is the effect of good administration, which it has shared with the rest of the collectorate."

Now, when statements were made of there being bad collectors and bad revenue officers, and of the evil effects produced upon the condition of the people by maladministration, it was only fair to consider that such was not the uniform mode in which the people of India were treated. No doubt bad officers might be found in India, as in every country in the world; but where moderate assessments had been made, as was very properly recommended by the Committee of 1848, no complaints were made of maladministration, whilst there had been a sensible improvement in the condition of the population. Even since he had held the office he had now the honour to fill, very important changes had been made. Suttee had been very nearly abolished all over the country; and in many places it had entirely ceased. Infanticide had been got rid of. The abominable practice of Thuggee had been extinguished—a practice disgraceful to the country, and which no previous Government had ever endeavoured to grapple with. It was something for India that these things had been done; and he would relate an anecdote illustrative of the feelings which our government of the country had created. He was in company recently with a native of Bombay, a man of great intelligence, who spoke English almost as well as the hon. Member for Manchester, who said to him—

"If any man makes complaint against English management in India, just ask that man this

simple question—whether life and property were secure there until British rule was established? If,"—said the gentleman—"it can be established that life and property were permanently secure under any rule before India came into British possession, then I will give up the defence of the British Government; but those who attack the British Government know very well that neither the one nor the other was secure."

Sir Henry Elliott, one of the most distinguished public servants in India, in the preface to a very learned work he had published, *Mahomedan Historians of India*—a work which he would recommend to the attention of hon. Gentlemen who found fault with the government of India, eloquently showed that the success of British rule was due to its moderation and justice. He said—

"Notwithstanding a civil policy and an unequal climate, which forbid one making this country a permanent home, and deriving personal gratification or profit from its advancement; notwithstanding the many defects necessarily inherent in a system of foreign administration, in which language, colour, religion, customs, and laws preclude all natural sympathy between sovereign and subject—we have already, within the half century of our dominion, done more for the substantial benefit of the people than our predecessors, in the country of their own adoption, were able to accomplish in more than ten times that period; and, drawing auguries from the past, we will derive hope for the future, that inspired by the success which has hitherto attended our endeavours, we shall follow them up by continuous efforts to fulfil our destiny as rulers of India."

He now came to the most important part of the question—that relative to the proposed commission. He would ask the hon. Member who were to be the commissioners? The hon. Gentleman said he would not like to go to India himself, nor would any of his Manchester friends; and certainly he could not be spared from his Parliamentary duties. But if gentlemen from Manchester did go, he would mention that it would take them at least five years before they could make themselves acquainted with what they would be bound to know. They would have to teach themselves first, and then to make inquiries; and, after all, from whom would they have to inquire? Why, all their inquiries must be directed to the servants of those who had been, he would not say calumniated, but blamed, by the hon. Gentleman—the servants of the East India Company. Now, he should like to know whether those servants, supposing they were so inclined, would not have the commissioners in their own hands; and, also, whether the House had not, at that moment, every information from the very parties who were the

only persons that could be consulted? The East India Company had never been shy or unwilling in giving information on this subject of cotton. On the contrary, they would afford every facility to any hon. Gentleman who would condescend to go out to India with a view to inquiry, and they had offered every facility for improving the cultivation of cotton. He did not see that the commission moved for by the hon. Gentleman would do more than the East India Company had already done, or more than the Company were willing to do. He found in the evidence from which he had been quoting, a remark by Mr. Bruce to this effect:—

“Let the gentlemen of Manchester guarantee 3½d. per lb. for Indian cotton, and they will do more towards settling this great question than has ever yet been done.”

That was the point. Let a certain price be secured for a certain quantity of cotton, and those who grew cotton would take care that there should be a supply. All that was required was that persons of capital and intelligence should give encouragement to the cultivation; and then, if Indian cotton could, under all circumstances, compete with American cotton—which for the reasons he had already stated he did not believe it could—he had not the least doubt it would have the best chance of success. He had now to mention a fact which told against the statement of the hon. Member, that he was the representative of all Manchester, and of some of the most influential gentlemen of Manchester, on this matter. Now it did so happen that, besides the Manchester Chamber of Commerce, there was a Manchester Association, a commercial association, and that that association had paid just as much attention to the cultivation of cotton, and had been as much in communication with the East India Company, and all parties connected with that cultivation, as the hon. Gentleman himself; and when the hon. Gentleman gave notice of his Motion, application was made to that association by the hon. Member for Manchester for assistance in procuring the Royal Commission in question. The result of that application was the subjoined letter from the secretary of the association to the East India Company, under date the 14th of May, which showed that they did not at all acquiesce in the hon. Gentleman's proposition. Mr. Fleming, the secretary, wrote thus:—

“Manchester Commercial Association,
May 14, 1850.

“Sir—I am desired to acquaint you, for the in-

formation of the Court of Directors of the hon. East India Company, that this association, having been recently applied to by Mr. Bright, M.P., for support in his endeavour to procure the appointment of a ‘Government Commission’ to be charged with an inquiry into the causes which operate against the extension of cotton cultivation in India, and the subject having been considered by the board, it was unanimously resolved—‘That, believing much important information to have been already obtained by the official inquiry at Bombay in 1847, and the Parliamentary Committee of 1848, as well as from other sources, and that the suggestion made in the reports of the Committees engaged in those investigations are in course of being carried out by the hon. East India Company, and feeling that a Royal Commission might prove injurious at present, by exciting unfounded expectations, and interfering with existing operations, this board entertain strong doubts as to the appointment of such commission being the best means of forwarding the important object which this association have for years laboured zealously to promote, and therefore regret that they cannot accede to Mr. Bright's request.’ And I am further instructed to observe, that this course has been adopted by the board in the full confidence that every effort will be made by the Court of Directors to improve the quality and increase the quantity of the cotton produced in their territories.”

Such was the letter of the secretary, and it was a complete answer to the hon. Gentleman who had brought forward this Motion. The hon. Member could not deny that Mr. Aspinall Turner and that association had great experience on this subject, and that Mr. Aspinall Turner had himself been engaged in the cotton manufacture, and understood the whole matter well. Mr. Turner was not likely to speak idly; and the opinion just cited was not only his own, but was backed by a large and influential body of Manchester manufacturers. That being so, he could not admit that the hon. Mover represented the whole manufacturing interest of Manchester, although he gave him full credit for being the representative of a part; for the document he had just read gave the direct opinion of many of the first Manchester manufacturers against the plan proposed by the hon. Member. The hon. Gentleman had quoted examples of what had been done before in the way of sending out Royal Commissions. Royal Commissions, he said, had been sent to the Cape, to Ceylon, and to the Mauritius. But under what circumstances had those commissions been sent out? Those colonies were then recent acquisitions of the British Crown; and the commissions were appointed to inquire into the laws there administered, two of these colonies being subject to Dutch and one of them to French law. None of those commissions,

therefore, were a precedent. No doubt, what the hon. Mover desired could be done if the House of Commons thought fit; but the proposal was, in fact, tantamount to a supercession of the East India Company, and to an admission that, first, all they had done had not been done in a proper spirit, or in a wise direction, and that nothing could be expected or hoped for from that Company. A Royal Commission, he contended, was already in existence. Every Governor General, every Governor even of a subordinate Presidency, was, in fact, a Royal Commissioner, for he was sent out to his government by the Crown; and he (Sir J. Hobhouse) would like to know if any one was prepared to allege that those Royal Commissioners had neglected their duty. Had they not inquired into these matters? He held in his hand at that moment a document written by the Earl of Auckland, which would show that he, for one, had not neglected his duty of inquiring into this matter. And was the Marquess of Dalhousie a likely man to neglect his duty? Why, if ever there was a man qualified to inquire into such matters, with a view to ascertain if any improvement could be made, and if more could be done, the Marquess of Dalhousie was particularly well qualified for the task. The published documents he had been quoting from were, he begged to inform the hon. Gentleman, not the last papers. Many later documents might be produced—and which he would produce if the House desired them—to show that the Government were still going on and still endeavouring to master this most difficult question. He professed himself unable to find out from the speech of the hon. Gentleman what it really was he proposed that his commission should do. What could they do more than had been done? They could ask questions, and they would receive answers. But questions had been asked before, thousands and thousands of them—the book was full of them—and answers had been received from persons the best qualified to give good information on the subject. If he thought the commission would do any good he would say, “Take it by all means;” but it was from a consideration that it would do no good whatever that he asked the House to reject the Motion of the hon. Gentleman. Before he sat down he would read the Marquess of Dalhousie’s answer to the address to which the hon. Gentleman had referred, presented to him at

Bombay, in order to show that the Marquess of Dalhousie was inclined to do his duty. His Lordship said—

“I must have spent to very little purpose the period during which I have had the honour of serving the State if I fail to obtain from you now full credit for sincerity when I say that no man desires more earnestly than I do the unbroken continuance of the peace that has been restored.”

He had no doubt but that the Marquess of Dalhousie would make good use of the continuance of peace; and, believing that neither the East India Company at home, nor the Governors abroad, had neglected their duty, he should recommend the hon. Gentleman not to press his Motion to a division.

SIR T. E. COLEBROOKE said, that he thought the subject which had been brought under the notice of the House by the Motion of the hon. Member for Manchester worthy of much more attention than it was likely to receive. Having been a Member of the Committee of 1848, he had been requested to prepare a draft report, and that draft had been wholly based upon the evidence, and in it he had given his opinion that the improvement of the country was more intimately connected with the cultivation of cotton than people generally imagined. With respect to a commission, it was not necessary that it should be composed wholly of persons sent from this country, as there were many gentlemen settled on the spot fully competent to deal with the subject. He agreed with the right hon. President of the Board of Control as to the difficulty under which Indian cotton would labour in competing with the United States produce in the British market, nor was he sanguine that, under any revenue system, the East Indies would ever provide a large share of the produce required; but, at the same time, he knew that the country laboured under heavy fiscal disadvantages, and he believed that if these were modified, and a certain proportion of capital and enterprise introduced, we should receive a greatly increased supply, and of a much finer quality than at present. But the real question before the House was, whether there were in the cotton-growing districts any circumstances peculiarly calculated to depress agricultural enterprise; and on this point he thought the hon. Member’s conclusions were of far too sweeping a character. It was true that in the southern districts of India the system of taxation was oppressive; but in the north of Bengal the revenue had, two

years before, been fixed on a permanent basis, and since then that province had advanced more than any other district in India. He did not attribute all the improvement to certainty of taxation, but he thought it had had a most wholesome and invigorating effect on the province. In the north-west provinces, the Government had directed their collectors to limit their demands to three-fourths of the rent, and this regulation had given greatly-increased value to the land. The revenue had also greatly benefited, having increased no less than 75 per cent in the space of thirty years. In Madras and Bombay, on the contrary, the Government had acted on the principle of being entitled to an assessment equal to the whole value of the land, and under that system the land had become utterly worthless. The land being rated to its full rental, the proprietor hoped for no profit save what he could make during his tenure. [The hon. Baronet then proceeded to read extracts from the evidence of Mr. Williamson, and another witness, examined before the commission, to show that under this mode of assessment land was unsaleable, while under a more liberal arrangement it speedily found a market.] With regard to Madras, the right hon. Baronet the President of the Board of Control contended that its decline had been caused by the export trade; but, if that could have produced a decline, in no place would it have acted more directly than in Tanjore; but, then, under the system of limited assessment the revenue had risen gradually from 31 lacs (310,000*l.*) to 48 lacs (480,000*l.*) The fact was, that there had been fifty years of uninterrupted peace in Madras, and the Government had devoted its attention to the gradual improvement of the revenue system. In cases where the Government absorbed the whole rent, it was not to be wondered at if the revenue declined. It could not be supposed that the cultivation remained stationary, and the only cause why the revenue remained in this state was the pressure with which the system acted upon the energies of the people. The imports and exports of these presidencies showed the same results, and from the same causes. He was not disposed to attach too much weight to the promises of the right hon. Baronet as to the future, for he had not seen in anything the right hon. Gentleman had stated, or anything that had been given in evidence,

any reason for supposing that the authorities at the India House were at all impressed with the danger of the policy they were pursuing in assessing equal to the whole rent of the land. The attempt to exact such a tax in a country like India, where the fluctuations of the seasons were so great, was in effect to place the whole of the produce of the cultivation in every alternate year in the hands of the Government agent. What India wanted was, as was stated the other day by the hon. Member for Montrose, measures for promoting internal communication and works of irrigation. In the case of the latter, especially, the evidence of Captain Underwood and Major Cotton showed that so far from affording encouragement, the Government had, in the subordinate dependencies especially, allowed the tanks and works constructed by former Governments to fall into decay and become useless. He had no doubt, if due attention were paid to works of this nature, and the assessment were placed upon a more equitable footing, the revenue of these presidencies would, in a short time, be doubled. He had stated the grounds on which he was prepared to support the Motion of his hon. Friend the Member for Manchester, and he would now only add that the interest he took in this question was not confined to the growth of cotton, but was influenced by a desire to do justice to the natives of India, by removing those burdens by which the people were weighed down, and the development of the resources of the country prevented.

MR. NEWDEGATE said, that it was not for Gentlemen on his side of the House to object to the eulogiums which had been passed by the right hon. Baronet the President of the Board of Control upon the internal government of India under the administration of the late and the present Governor Generals, Lord Hardinge and the Marquess of Dalhousie. He believed that under those administrations the condition of the people of India was improving; and when the hon. Member for Manchester complained that those Governor Generals had been devoting the resources of the Indian empire to perfecting the various means of communication, he thought he would not carry with him the feelings of those who looked to India as the source of a larger supply of cotton. For it was admitted on all hands that one of the principal difficulties in the way of producing

and supplying this country with cotton from India, was that of conveyance between the interior and the coast. He thought that the hon. Member for Taunton, in commenting upon the present state of India, and deprecating the abandonment of many means of improvement and the nonprosecution of others, should have remembered the difficulties with which the Government of India had had to contend, to have made some allowance for the necessary expenses of the protracted, but inevitable, warfare to which the resources of our Indian empire had been exposed of late years, and not have forgotten that all our colonial dependencies were suffering from the relaxation of that system under which our colonial empire had grown up to its present magnitude. For his Mr. Newdegate's part, he conceived it to be matter rather of surprise and gratification that the inhabitants of India had, in the face of these difficulties, made such advances under the auspices of the last and the present Governor General. It appeared to him that much of that night's discussion had been irrelevant to the real question upon which they would have to vote. When he heard the hon. Member for Manchester declare that he was appealing to the Government to give a stimulus to the cultivation of cotton in India, he really began to hope that the hon. Member and the people of Manchester were becoming sensible, from the failure of the so-called free-trade policy, of the necessity of reverting to more wholesome principles. But ceasing to consider the question of cotton, the hon. Member went on in a strain which showed that his object was rather to attack the Government of India than to seek for the best means of promoting the growth of cotton in that part of our dominions. Before the hon. Member took the trouble of asking the House to address Her Majesty to send a Commission to India, he might have inquired whether there were not circumstances which had occurred at home more likely to affect the supply of cotton from India than even the supposed misconduct of which he would have the House believe the Governors of India had been guilty. He (Mr. Newdegate) did not think the constituents of the hon. Member would thank him for this aberration, for they were anxious only to see the growth of cotton in India extended; which was a natural and reasonable desire on their part, and he believed perfectly attain-

able. He (Mr. Newdegate) did not mean to say that the cotton of India was equal in quality to that of the United States of America; and one great complaint of it was, that it was not well dressed. But why was it not? Simply, because it did not pay to cure it. The great falling-off in the imports of cotton from India took place principally in the years 1844, 1845, and 1846; and it should be borne in mind that in the first of these years the duty of 1*d.* a pound on foreign cotton was repealed, and that the price of Surat cotton fell, in 1845, under the operation partly of the reduction of duty, and partly of the system of purchasing by combination. He had the authority of a gentleman who had long filled the office of judge in the cotton-growing districts of India, for saying that the price of cotton in 1845 on the seaboard of India was as great as the price in Liverpool, leaving nothing for the cost of transit, or for the profit of the importer. Under these circumstances, it was not likely that the cultivation of cotton would be encouraged in India. He would read to the House an extract from a letter which he had received in 1847 from a gentleman who was largely concerned in the importation of cotton. He said—

“The true reason of a deficient supply of Surat cotton is, that the spinners drove the price below a remunerating one. The imports of East Indian cotton in 1841 were 270,000 bales, but they have gradually fallen off to 95,000, which they were in 1846, and prices have declined from 3½*d.* 5*d.* to 2½*d.* 4*d.* This is the reason they are now in such a fix about American cotton. They would have all the profit from the planters, merchants, and consumers; and they got it too. Twelve or fifteen months ago they made 2*d.* a pound on every pound of cotton spun; but they overdid it—produced too much—actually swamped the demand—and now they call out because their immense stocks of cloth and yarn prevent any advance. The real consumer goes on as usual; but the only difference is, that the spinner does not now get all the profit. The importer gets a part, and the consumer another part. The extension of cotton cultivation in India is very important; but a good price would do it better than all legislation. I thought you might like to hear those hurried hints.

“Import of Surat Cotton into the United Kingdom:—

	Bales.		Prices.
1841	273,000	1837	4½ <i>d.</i> to 6½ <i>d.</i>
1842	254,000	1838	5½ <i>d.</i> 6½ <i>d.</i>
1843	181,000	1839	4½ <i>d.</i> 6½ <i>d.</i>
1844	237,000	1840	4 <i>d.</i> 5½ <i>d.</i>
1845	155,000	1841	3½ <i>d.</i> 5 <i>d.</i>
1846	95,000	1845	2½ <i>d.</i> 4 <i>d.</i>

This is sheer combination, for the spinners in the different localities buy and work in union. See

the Letters in the *Economist*, from Mr. Hindley's, M.P., partner."

But there were other circumstances which tended to depress the price of cotton, and to diminish the supply from the United States. In 1846 the duty upon foreign sugar was reduced. What was the consequence in the United States? Why, that great part of the land which had heretofore been appropriated to cotton, was diverted to the growth of sugar. He had a letter which he received from New Orleans, which showed the cause of the diminution in the growth of cotton, by the stimulus given to the growth of sugar of late in the United States. The circular was dated October 21, 1846, and was from the house of Messrs. Wylie and Egana, of New Orleans. In that document the writer said—

"The recent alteration of our tariff has reduced the protective duty on foreign sugar to such a scale as will rouse our planters to additional energy and enterprise. We consider this reduction a benefit to the industry of the State. Already are our planters distinguished by a science and adaptation of machinery much beyond anything known elsewhere. The results obtained by such enterprise have of late much stimulated the cultivation of sugar, but the low prices of cotton have done more so. During the past three years 94 new sugar estates have been established, and many plantations have passed, and are passing, from cotton to sugar. Formerly sugar at 4½c. per lb. was considered a better return to the planter than cotton at 6½c.; but allowing for the greater safety of the sugar crop, which in eight years out of ten is secured from frost, and for the improvement in its manufacture, it is now thought that sugar at 4½c. is fully equal to cotton at 10c. The average yield of estates working their full power may be stated at 5 hhd. and 250 gallons of molasses, which respectively at 4c. and 15c. would give Dols. 237 50

From which must be deducted the	
estimated expense	75 0

Leaving a net profit per slave of	162 50
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Now, the census return gives 93,222 slaves as attached to the cotton industry of this State; and if any of our friends will take our average production of cotton during the past five years, and the average cost during that period, they will see how small an interest our cotton planter has had to extend his cultivation."

That was the true and principal cause of the diminution in the production of cotton. Thus the reduction in the price of cotton and the opening of our sugar trade had diverted much of the cultivation of land in the United States from the production of cotton to that of sugar, and the free-trade policy which had been entered upon at the instigation of gentlemen from Manchester had directly tended to the diminution of

the staple upon which the great industry of that place depended. If they wished to produce cotton in India, they must encourage it; they must reimpose a duty upon foreign cotton, or give the inhabitants of India some security that they should obtain a remunerative price. Let them have protection, and with the natural advantages of that great empire they would see the cultivation of cotton rise there as they had seen other products increase in other latitudes suited to their growth. But if they continued to depress the price, they would diminish the supply. For his own part, he had observed no more convincing proof that they had been pursuing a narrow-minded and shortsighted policy than had been afforded by its immediate results on the production of cotton. In short, to the Gentlemen of the free-trade school, he could only observe, that as they had got into the scrape by free trade, so they would find their only true escape from the dilemma by reversing their policy.

Mr. G. THOMPSON denied that any acrimonious spirit had been evinced by the hon. Mover to attack the Government of India. On the contrary, that hon. Gentleman was over scrupulous, and more guarded than the occasion required, whilst going into the case of the deficient supply of cotton. But, even if he had been liable to the charge brought against him by the hon. Member for North Warwickshire, that would be no sufficient reason for inducing the hon. Gentleman to vote against a Motion, the principle of which he had seemed to approve. The House would best discharge its duty by confining itself to the calm consideration of the real question at issue—namely, the practicability or otherwise of obtaining an essential article of our manufactures from the British possessions in India. He thought the right hon. President of the Board of Control had not fully admitted the immense importance of the subject now under discussion, because, in fact, no greater calamity could befall this country than a falling off in the supply of cotton, an article upon which so many thousands relied for support; and yet we were notoriously dependent at present upon one country—the United States of America—for our supply. Though 124,000 bales of cotton had been imported into this country in six months, yet that formed a very small portion indeed of the amount we required to meet the necessities of that branch of manufacture. A misunderstanding in the slave

States, or even contrary winds, would not only place that branch in peril, but it would jeopardise peace and order. The question was, were we necessarily dependent on the United States for our supply? He could not believe we were. All the facts which had come under his notice brought him to the conclusion that there was no natural impediment to the growth of cotton in India—that we had the soil, the people, the climate, and the means of transportation in that great empire. Mr. Petrie, in his evidence given in March 1848, stated that from five years' experience in India he was enabled to say that in one comparatively small district of 2,000 miles square, being one-fourth of that under production, a perennial quantity of cotton might be obtained equal to 120,000 bales. What had been the history of the cotton trade in America? There was nothing in the climate or soil to render that country better adapted for the growth of cotton than India. The cotton plant in that country was an exotic. It was only sixty-five years ago that the first bale from America had been landed on our shores, and the quantity now reached 750,000,000 lbs. weight. To what was this increased production owing? It was owing to the energy, perseverance, and capital which, if employed in India, would be attended with similar results. The products of indigo and opium showed what might be done in India with reference to cotton. Both these articles had been favoured. Opium was a monopoly in the hands of the East India Company; and the rapid increase which had taken place in the production of indigo was owing to the fact that European enterprise and capital had gone up the Ganges and brought that production to its present state. If indigo had succeeded under European management, and if opium had also succeeded under the stimulus given to it by the East India Company, he conceived that there was no natural impediment or insuperable obstacle to the cultivation of cotton. But the fact remained, that we did not get cotton from India. All the evidence brought before the Select Committee showed that if the land were not incumbered by taxes—that if the natives were not in a state of almost inextricable slavery, there was everything in the soil, and in the thriftiness and love of gain among the natives, to induce the hope that a very large perennial, and constantly increasing, supply of cotton might be raised in India. If this were so, then an immediate and

searching inquiry ought to be instituted into the causes which had hitherto prevented us from having that supply. He would have the East India Company to give cotton lands in India rent-free for a period of years. [*A laugh.*] Yes, if its growth would avert present dangers, and prove to the people of India that they might commence and carry on a successful and profitable trade with this country, it would not be a loss, but ultimately it would be a great gain, to set them to work on lands favourable for the growth of cotton, and either wholly to remit the taxes thereon, or to reduce them so as to enable the natives to compete with the inferior descriptions of cotton coming from the United States. He begged to remind the right hon. President of the Board of Control that these natives, who once clothed themselves, were now not generally clothed with the produce of their own looms, but that they were clad in Manchester manufactured goods, the raw material of which had been obtained from the United States. It behoved us, for the sake of the natives, to give them some compensation for the almost entire annihilation of their manufactures and their exports, in the shape of a remunerative pursuit like that of the cultivation of cotton. Any longer neglect on our parts would argue a censurable indifference to their condition. Let the House recollect that all our recent conquests had been unprofitable. Everything spent upon the expedition against Affghanistan was utterly lost. The war against Scinde had not yet been productive; while the Punjab itself was not even paying its own expenses. He contended that on this subject they ought to take the evidence of the natives of India themselves, and that evidence given by the East India Company's servants ought to be received with great caution, because they were not without their prejudices and predilections in favour of upholding the Company's Government, and justifying their system of raising revenue. He believed that the whole secret of the question lay in the pressure of the land tax upon the natives of India. One of the things which they could not do, and never would be able to do, until that burden were greatly mitigated or entirely removed, was to supply the cotton of commerce to this country. Until that burden was removed, that House need not look for any great supply unless in a particular state of the markets, when high prices might induce the people of India to send

it. The resolution did not at all infringe the Company's rule, or imply anything against Her Majesty's Government; but believing that it was necessary to satisfy the public mind, and that it would be attended with useful results to India, as well as to this country, it should have his most cordial support.

SIR J. W. HOGG felt the importance of rendering this country, if possible, independent of the supply of cotton from America, and would say that the East India Company had as strong an interest to encourage the cultivation of cotton in India and its export as any manufacturer in Manchester. But what did the hon. Member for Manchester want? Did he want information? His speech showed that he had had it. He had had his Committee, and the Motion was not founded upon their report. The hon. Gentleman, with great tact, proposed to leave it to the Government to appoint the Commissioners; if he sent out some of his friends from Manchester, their failure would be so complete that they would not be able to show their faces in Manchester again. In the days of Clive there was a demand for commissioners or supervisors to be sent out to India, and they were sent out; but the ship foundered at sea. If Commissioners should now proceed to India, he would wish them a better fate upon the high seas, but they would certainly founder as soon as they reached India. There was nothing to complain of in the spirit in which the Motion was brought forward; but the hon. Member must allow it to be said that he was not all Manchester. The Commercial Association had taken a much more active part in the encouragement of the growth of cotton in India than the Chamber of Commerce, and that association was against this wild Commission, and considered that the Court of Directors had done everything that was practicable. When he (Sir J. W. Hogg) was last in the chair, a deputation came from Manchester, and he said to them, "Instead of coming to London and to Parliament, send to India a little of Manchester capital and industry." Why should not the Manchester people send out a Commission, or send out agents? Could the hon. Member name any quarter of the British dominions in which the parties here who introduced its produce had not agents, except the people of Manchester, in India, where, of all places, agents were most wanted? Every witness before the Committee agreed that the one thing

needful was the presence of European agents to communicate directly with the cultivators of the soil, make them advances, secure them a certain and ready market, and take care the cotton was picked clean and well packed. But the gentlemen of Manchester had not the enterprise of those engaged in the conduct of the public press, who could send out their commissioners to all countries to collect information, and even to detect frauds devised against private merchants. That course was adopted with regard to indigo—sending agents into the districts, who advanced money to the ryots, and engaged to take the produce when grown; and, whereas there was scarcely any indigo supplied seventy years ago from India, it now supplied the world. India was then a closed country; it was now open to Europeans. Then, again, there was the article of opium, which the hon. Member for the Tower Hamlets asserted was grown by the Government of India. That was not the case; for in several districts it was grown without any interference of the Government; and the statement of the hon. Member was true only with respect to a small quantity grown in Patna. As to sugar, no doubt the duty had formerly prevented any export, but the increase that had taken place was attributable to the planting by European agents, and to the supply of European capital. If the Indian cultivator was asked why he did not grow cotton for the people of Manchester, he would answer that he had a family to support, and must pay his rent to the zamindar or to the governor, and could not grow cotton merely to please them, when, by growing corn, he could obtain a better profit. Great had been his astonishment when he had heard a free-trader like the hon. Gentleman opposite, the Member for the Tower Hamlets, give the most barefaced support to a bounty for the growth of cotton. Throwing away all his political economy and free-trade doctrines, the hon. Member advised the House to give a thumping bounty to the grower of cotton, by telling every man who cultivated it that he should have his land rent free! He really did not know what to think of the cotton trade when a free-trader was obliged to have recourse to such a recommendation. As to the hon. Member for Manchester's Motion, he could only say that his notice was a notice respecting cotton, but that his speech was a speech on the affairs of India, and was confined almost

entirely to the working of the land tax. Now, most people did not precisely comprehend the nature of that tax. It was, in effect, neither more nor less than a certain portion of the rent of the soil set apart to be paid into the coffers of the State to meet the exigencies of the public service. It neither injured the landholder nor the landowner; and the great political economist, Mr. Mill, had called it the perfection of taxation. There were two systems of settlement in reference to the tax—the zamindari and the ryotwhar, and, without entering into the merits of the contending opinions of Sir J. Munroe, who thought the ryotwhar system the perfection of administration, and of Mr. Tucker, who was a great upholder of the zamindari plan, he might say this, that the demand of the Government on the ryot was less than the demand of the zamindar, in the proportion of 5 to 8. But the fact was, the assessment had nothing to say to the question at all. Suppose a man pays 4s. an acre for land, and grows corn, because he finds it more profitable than cotton, he will continue to do so, even if you lower his rent to 2s. an acre, for the advantage of growing corn over cotton would still continue the same. The next point made by the hon. Member for Manchester was the condition of the roads. He (Sir J. Hogg) admitted there was a great and lamentable want of internal communication in India, but he could not allow that the want existed to the same extent in the cotton districts. He would just direct their attention to the state of the roads in three of the principal; and, first, he would quote the report of Mr. Davis, the collector, as to Guzerat, which supplied half of the cotton in the Bombay Presidency. He stated that the roads were not macadamised, but were as well made as the nature of the soil would allow, and in Broach the roads were more numerous than in any part of India. Guzerat stretched along the sea-coast, and for a great portion of the year they had a trade wind wafting vessels from the coast right to Bombay, so that a railway would not be of great use, so far as that district was concerned, and there were plenty of roads for the carriage of cotton to the sea. He admitted at once that Broach was too highly assessed. But were similar errors and mistakes in the management of land never made in this country even in the cases of private proprietors of 300 or 400 acres? Could it be expected, then, that

all over the vast expanse of India there should be no instance of overtaxing a district occasionally? There was ample proof, however, that so far from the servants of the Company being to blame for such mistakes, they were the very first to point them out to their masters, and to call on the Company to show consideration to the natives. In Candeish, the next cotton district, Mr. Bell stated that the first thing which struck a stranger was the frequent intersection of the roads; and, in Dharwar, the remaining cotton district, there was an excellent great road down the Ghauts, and several cross-roads to the port of Compta; so that all the stories about the carriage of cotton on bullocks' backs were unfounded. The hon. Member for Manchester, in speaking of Bundelcund, had used one phrase only of which he (Sir J. Hogg) had reason to complain, and that was when he spoke of the conduct of the collector who assessed it as infamous. It should be known to the House that, according to the old and very reprehensible system, the assessment was made, not with reference to the productive power of the land, but with reference to the product; and the land that grew indigo was taxed more highly than the land that grew corn. Bundelcund was assessed in 1815, when the American war had raised the price of cotton to 1s. 6d. a pound, and the collector assessed the land accordingly; but when the war ceased, the price of cotton fell to 7d. or 8d. a pound, and the cultivator, of course, suffered accordingly. A hue and cry was raised by the civil servants of the Company that Bundelcund was over-assessed, and justice was rendered, tardily, he admitted, and not so rapidly as could have been wished. He could not allow that the collector's conduct ought to be stigmatised as infamous. Let the hon. Gentleman accuse the collector of want of judgment if he pleased; but he (Sir J. Hogg) would stand up for the honour and integrity of every man in the service, living or dead, who had discharged his duty to the best of his ability and judgment, and vindicate him from such attacks. It should not be forgotten that India was not only a cotton-growing, but a great cotton-consuming country. Hon. Gentlemen seemed not to remember that fact. He believed India consumed as much cotton as the industry of England manufactured for the whole world. The people did not grow it for the purpose of making clothes merely. The natives of India used no blankets, and

when they wanted warm clothing they wadded it with cotton. Thus they were able to consume all the refuse and waste of their cotton. It must also be remembered that India produced cotton for the China market. The inhabitants of China, like those of India, had a peculiar taste, and like them, he believed, had a partiality for dirty cotton—at least they made no effort to have it cleaned. Now, how could the natives of India be induced to grow a cotton with a long staple? The Manchester gentlemen said the cotton of India must be improved 20 or 30 per cent. But if they wanted to improve the growth and staple of the Indian cotton, or to introduce American cotton into that country, the only plan was for these gentlemen to give the growers of India a steady and certain market, if they would not give them high prices. In America the fluctuation in the price of cotton was very great, and Indian cotton was sought after when there was a failure in the American crop. The Indian growers then received a good price for it, and they were stimulated to greater exertion. But when they sent over more cotton next year, there had, perhaps, been a good season in America, and the Indian article became an absolute drug in the market. He believed that one gentleman, Mr. Turner, had thrown 7,000*l.* worth of Indian cotton upon a dunghill because he could not find a market for it. Now, could the House expect the natives of India to grow cotton for a casual and uncertain market, when they might grow grain, which would, without any risk, enable them to feed their wives and children? Let the friends of the hon. Member for Manchester agree to take the cotton from them at a certain price, and he had no doubt the natives of India would make the exertion, and that the experiment would succeed; and the more so because, in different parts of India, there was cotton of the same variety, but of different and unequal staples. If the hon. Member for Manchester, instead of sending a Commission to India, would send a circular to the collectors and judges, he would gain more and better information in a few months than his Commission would obtain in ten years. And if he would draw up or suggest the circular, describing the information he wanted, the Directors of the East India Company would send it to India, and do all in their power to assist the hon. Gentleman in obtaining information. He could not see why the hon. Gentleman should confine his

attention to Bombay and Madras, nor why he should not give the Presidency of Bengal a chance. He had quoted the evidence of his hon. Friend the Member for Guildford, who had stated, that up to 1845-6 the amount expended by the Indian Government in roads, bridges, and other improvements, was 1,434,000*l.* Now, he (Sir J. Hogg) found, upon more accurate investigation, that the sum expended during that time in improvements (exclusive of the Ganges Canal and the railways) was, in fact, 2,282,000*l.* The Committee, in their report, said it had been urged upon their attention that the capability of India for the growth of cotton of improved qualities having been established, the one thing remaining was for European capitalists to place themselves in direct communication with the cultivators of the soil. The report went on to say—

“Your Committee are disposed thus far to concur in these views, that it is chiefly, if not solely, to British capital and intelligence applied to this subject that they look for any permanent improvement in quality or increase of production, as it is clearly owing to such means that the improvement of other important articles of the Indian soil has been advanced.”

SIR T. E. COLEBROOKE: Read on.

“Your Committee, however, are slow to believe that there exists any apathy or unwillingness on the part of English capitalists to apply themselves to this or any field of employment from which valuable results are to be obtained. They feel that in this and in other matters they will decide for themselves the time and mode of remedying the evil.”

Seeing, then, that the East India Company had been trying experiments for ten years on this subject with partial success, he called upon the gentlemen of Manchester to co-operate with them, and to take up the matter where they left it off, or else all their endeavours might fail. He trusted that the hon. Member would not press his Motion.

MR. W. PATTEN said, his vote upon this Motion would be directed by the result of the inquiry before the Committee on the Growth of Cotton in India, of which he was a member. He believed that the supply of cotton from India might be materially increased, to the benefit of the manufactures of this country. He thought, however, from the evidence taken before the Committee, that the great difficulty to be contended with was the imperfect state of the internal communications, and the difficulty there was in getting the cotton down to the coast. The witnesses examined before the Committee were almost

unanimous in their opinion upon this subject, and this he understood was also the opinion of the hon. Member for Guildford himself as a Director of the East India Company. Knowing the great interest which the present Governor General of India felt in this subject, which the noble Marquess had deeply at heart, he believed that every encouragement would be given to the growth of cotton by the Government of India. It was a great discouragement, however, to the opinion he had formed, when he heard the hon. Baronet the Member for Beverley state that the want of internal communication had not been an obstacle to the growth of cotton.

SIR J. W. HOGG wished to explain. He admitted that there was a very imperfect system of communication in the interior of India. But he had confined his observations to three districts on the coast, where there were good roads, and therefore the arguments now used did not apply.

MR. W. PATTEN thought, at all events, there could be no doubt, as was indeed proved before the Committee, that cotton was brought down to the coast on bullocks' backs, and that it was so filthy as to be unfit for sale. He certainly did not abandon the hopes entertained by the Committee on this question; and, as there was a large population in this country looking to India for a supply of cotton, he thought it was the duty of the Government to make every exertion in their power to promote that object.

MR. MANGLES said, he had been so frequently referred to in the course of that discussion, that he felt it his duty to address a few words to the House before they proceeded to a decision on that question. He had not been a member of the Committee of 1848, but he had given his evidence before that Committee with the utmost possible frankness. He was no optimist; but he had on that occasion, as on all other similar occasions, made large admissions with respect to what he considered to be the shortcomings of the East India Company, while he had also stated that he believed they had made some great exertions for the promotion of the welfare of the people of India. Now, he thought it would hardly be fair on the part of his hon. Friend the Member for Manchester, or of any other Member, to take as gospel all that he had said with respect to the shortcomings of the Company, and at the same time to reject all that he had said

with respect to the good which they had done. His hon. Friend the Member for North Lancashire had fallen into a mistake very common among people who were not well acquainted with India, in supposing that that vast territory could be considered as one district. It was no doubt true that in some portions of the interior of India the means of communication were very defective, but it was also true that in other portions of that country ample means of conveyance existed along the coasts. Some hon. Gentlemen complained of the land-tax system which was adopted in India; but for his part he believed that that was the best system of taxation that had ever been adopted, when it was properly administered. It was the opinion of Mr. James Mill that a better system of taxation had never existed. He would like the House to know the amount of that assessment which had been so commented upon. In Baroach the revenue was under 5s. an acre; in Bengal it was 4s. an acre; in Agra under 3s.; in Shirkapore 6d.; in Kandeish 6d.; in Madras 2s.; in Tanjore, 2s.; in Tinivelli 1s. 6d.

COLONEL SIBTHORP said, he should certainly not support the Motion of the hon. Member for Manchester, more especially as it was for a Commission. Neither should he support the Government, but would leave them and their friends to settle the matter between them. He had no doubt if the Government gave the hon. Member for Manchester a commission, that he would accept it, and that they would be willing—if they could get rid of the hon. Member—to appoint him one of the members of it, and so get rid of him in that way.

MR. BRIGHT said, that during the whole discussion there had been a general acknowledgment that, so far as the cotton manufacture and the trade of this country were concerned, the subject was an extremely important one, and that by means either of this commission or some other it ought to be promoted. He had the opposition of two Governments—the Imperial Government and that of India—and therefore it was not surprising if he found himself unsuccessful in this undertaking. The hon. Baronet the Member for Beverley recommended the Manchester people to send out a commission themselves. From that it would appear he thought a commission might get a great deal of valuable information. But the Manchester people were of opinion that a

commission going out under the authority of Government would have a much greater power of making inquiries, and its authority over the country would be much greater, than that of any mere private commission. The hon. Baronet said the East India Company had been at work a great many years; but his complaint was that their experiments for sixty years had produced no result. The right hon. Baronet the President of the Board of Control said, that after sixty years the experiments of Dr. Royle had produced, not cotton, but a summary. But it was cotton that the Manchester people wanted; and it was for the sake of obtaining this supply that he had brought forward this proposition. The hon. Member for Beverley admitted that, as far as their present experiments went, the East India Company had done about all they could; and he recommended the Manchester people to go over and purchase cotton in India. If it were true that they had done all they could, his case was made out; because he proposed a step which he thought would add to the information they had. However, this question came before the House in its present shape for the first time, bringing large questions connected with India before it; and, unfortunately, for many years Indian subjects had received no attention in that House. He was, therefore, not surprised that it was not probable the House would consent, on the first proposition, to the appointment of this commission; but he ventured to give an opinion, that the difficulties of the cotton trade in this country, from the violent fluctuations in the supply of the raw material from the United States, would increase materially, because the more extensive the trade became, the more would it suffer from these fluctuations, and at the same time the deficiencies in the Indian revenue would go on, and the condition of that country would deteriorate in the same manner. The result would be that, at no very distant period, Parliament and the Government would be obliged to take up this question in a manner much more serious than they seemed disposed to do at present. The noble Lord at the head of the Government would have done credit to his administration, and would have given hope to the great industry of the north of England, and to a large proportion of the people of India, if he had consented to this proposition. However, as the Government did not see it judicious to do so, or were not able to do so at present, and as

the question was new to Parliament, with the consent of the House he should be perfectly satisfied with the discussion that had taken place, and believing that it would lead importantly in the direction in which they all wished to go, he would not put the House to the trouble of a division on this question.

MR. SPEAKER put the Question, "That the Motion be withdrawn," when there were cries of "No, no!" from Colonel SIBTHORP and one or two others.

Motion was accordingly put, and negatived.

POST OFFICE.

MR. FORSTER moved for leave to bring in a Bill to repeal so much of the Acts 7 Will. IV. and 1 Vic., c. 36, and other Acts now in force for regulating the conveyance of letters by post, as prohibit the transmission of letters on the Sunday otherwise than through the post. The prohibition was introduced for purposes of revenue; but as the Post Office was no longer to undertake the duty of transmitting letters on Sunday, the revenue could not be affected by a repeal of the prohibitory enactments. He thought it an unfortunate thing that the House should have agreed to an address to the Crown to stop the conveyance of letters on Sunday by the Post Office, and he hoped no objection would be offered to his Motion, because, as letters would certainly be conveyed by private hands on Sundays, perpetual breaches of the law would be committed.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to repeal so much of the Acts 7 Will. IV. and 1 Vic. c. 36, and other Acts now in force for regulating the conveyance of Letters by Post, as prohibit the transmission of Letters on the Sunday otherwise than through the Post Office."

COLONEL THOMPSON thought, in a case of this kind, that Government ought either to do the people's business for them, or allow them to do it themselves. He did not think either the Government or the commercial portion of the community had come to a thorough knowledge of what had been inflicted, not only upon the commercial world, but upon the public at large. Suppose one of his constituents at Bradford heard by the post which left London on Friday of the loss of one of his argosies, with the addition it might be of supposing one or two of his sons lost in it. He must not have further intelligence from London on Saturday, because it would be Sab-

bath-breaking at Bradford to have the letter delivered to him on Sunday; and he must not have a letter from London on Sunday because that would be Sabbath-breaking in London: therefore all his intelligence must be a day behind; and *vice versa*. And all this because individuals who repudiated the authority of the Author of Christianity and his immediate followers, which undeniably formed the basis of the religious belief of the great majority of the nation, had chosen to deprive the people of the right of communication they enjoyed. There were further consequences to come, if something was not hit on to prevent them. There was evidence of a communication existing between the promoters of these restrictions and the *parti prêtre* in France. They played into each other's hands; and it would be seen that the move made here, would be followed up in France: and nobody doubted that there the event would be, that the party would first be successful, and then would be upset. And then would come the rebound in England; all of which he thought wise statesmen should endeavour to avoid, and not sacrifice the interests of the country to a piece of most impertinent and cruel legislation. On these grounds he should support the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he could not agree to the Motion. He believed that the vote which the House came to the other night was an unfortunate vote, because it would lead to great breaches of the law and desecration of the Sabbath. The result would be just the reverse of what was intended by the promoters of the resolution; it would lead to a greater amount of fraudulent Sunday labour than was actually performed before the measure was proposed. At the same time, the House of Commons having come to that resolution, the Government had felt themselves bound to carry it out, as far as it was in their power. They took it for granted that the House of Commons was a faithful representation of the opinion of the public; and if they were willing to submit to the inconvenience and hardship of this restriction, which had been very much underrated in his opinion, all the Government had to do was to carry the measure out. He did not think it was their duty to attempt to do that indirectly which the House could do directly if they were disposed. He believed that the distribution of letters and newspapers on the Sunday, as at present conducted by the

Post Office, led to far less desecration of the Sabbath, than would be caused by any other mode. If the public were prepared to submit to the inconvenience, they must submit to it altogether; if not, the least possible desecration of the Sabbath would be by restoring the mode of communication by post as it had existed up to this time. However, he thought it quite right that the public should know what the inconvenience was; if they were prepared to submit to it, well and good; if not, this was an indirect mode of evading the late vote of the House, which ought not to be sanctioned.

MR. AGLIONBY said, that the House of Commons had no reason to complain of Her Majesty's Government; but he thought that the public had great reason to complain of the House of Commons. Never was there a division taken so much by surprise as that which was taken the other day on the Motion for an Address to the Crown; and although the right hon. Gentleman said that he could not support the Motion of the hon. Member for Berwick, because it would be an indirect way of getting rid of the resolution to which the House of Commons came, he should very much regret if there was no direct way in which it could be shown that the opinion of the House and of the public was not in accordance with that of the majority upon that occasion.

MR. HEALD opposed the Motion. He was surprised that the voice of the people on this important question, spoken in a constitutional manner through their representatives, as well as by petitions signed by hundreds of thousands of persons, should be regarded as nothing by hon. Members opposite.

MR. G. THOMPSON supported the Motion. He thought no individual in the 19th century would stand up and say he was not to be the judge for himself whether he had not the right as a subject and member of civil society to transmit letters on a Sunday, or receive them through the various channels of communication from those who pleased to send them. Why should that right be interfered with, any more than the cooking of a dinner on Sunday?

LORD J. RUSSELL hoped the House would not agree to the Motion, because it would lead to much further consequences than perhaps those hon. Members who supported it might apprehend. It was obvious that if, instead of the general rule,

with which the Government charged itself with the transmission of letters, they were to allow letters to be conveyed on Sunday by private hand, that would become the establishment of a private post-office, and letters would be sent on that day as much as on other days of the week; that day would be the means of transmitting letters more than on the other days, and it would interfere with the general transmission of letters by the Post Office. Therefore he thought, as his right hon. Friend the Chancellor of the Exchequer had stated, that if letters were to be conveyed on Sunday, it would be far better to restore the state of things that existed before the resolution of the noble Lord the Member for Bath was passed. He must say, although he thought it his duty to advise the Crown to comply with the Address of this House, which was founded on numerous petitions signed by nearly 700,000 persons, and which was declared to be the wish of the House not only by hon. Members who were present and voted for it, but by the voluntary absence of a great number of hon. Members who declined to vote against the proposition, he certainly could not share in the opinion that it was advisable. He did not rely on, nor did he attach so much importance as many hon. Members had done to the transmission of mercantile letters or mercantile intelligence; but he did think that the post, being the means of conveying to different members of a family in different parts of the kingdom the news of illness, of accidents, of danger perhaps to other members of the family, the retaining of that knowledge for twenty-four hours—[Colonel THOMPSON: Forty-eight hours!]¹—which they might have that time sooner, was contrary to the indulgence of those feelings of charity and affection which belonged to our Christian as well as our moral character. He therefore, in opposing this Motion, must say he very much regretted the decision to which the House came. He owned that, although there might have been, and he would not deny that there was, a very strong feeling on the part of the public in favour of the noble Lord's proposition, it appeared to him rather to tend to that which was certainly contrary to the precepts of our religion, and established for precept the opposite—that man was made for the Sabbath, and not the Sabbath for man.

MR. NEWDEGATE said, that a number of large firms and constituencies having balanced the difficulties that might

arise from the non-transmission of letters on Sunday, had earnestly deprecated the continuance of a system of transmission, because it led to a growing evil of increasing transactions of business on Sundays.

MR. FORSTER, in reply, said, the present state of the law was absurd, as persons might send parcels by railway on Sundays, though they might not send letters. One party had supported the resolution from fanaticism, and the other from fear.

Question put, and negatived.

HYDE PARK—EXHIBITION OF 1851.

COLONEL SIBTHORP moved for a return of the number of trees marked and proposed to be cut down in Hyde Park, for the purpose of making room for the buildings to be appropriated to the use of the proposed Exhibition of 1851. He said, that on the previous evening his hon. Friend the Member for Bridport had put a question to the noble Lord the First Commissioner of Woods and Forests on this subject; but the answer was unsatisfactory, because the noble Lord said that certain trees were going to be cut down, but they were young trees. He (Colonel Sibthorp) had had ocular proof to the contrary. In the discharge of his duty he had visited the park that day. He had taken the trouble to inquire about the trees. He saw a clump, a very important clump, and ten of them only were marked; he could not say how many more might be marked for destruction hereafter, but—

*"Principiis obsta; sero medicina paratur
Cum mala per longas convaluere moras."*

Those ten trees were elms, and he would take the liberty of giving an opinion that they were of nearly forty years' growth. He wanted to know whether there was an intention to cut down the ten trees that had been marked in the park. The parks were the property of the people, and had always been so considered, and he asked for what were they to be cut down?—for one of the greatest humbugs, one of the greatest frauds, one of the greatest absurdities ever known—he meant the intended exposition of 1851. For such a thing as that, the Government were about to be guilty of the crime of demolishing public property of the most valuable kind, and all for the purpose of encouraging foreigners, who would only laugh at the English for their folly. He asked by whose sanction was this done? Of course, he did not charge

the Government with cutting down these trees with any intention of selling them, in order to put money into the pockets of the Chancellor of the Exchequer; but were they to be sacrificed for so worthless a purpose as that of the exposition? If he thought that exposition would be for the public good, he should as readily subscribe to it as any man in the country; but he would do nothing to encourage foreigners—nothing to give secret service money to them in the shape of premiums paid to strangers out of the pockets of the people of this country. There was every reason to fear that this was only the commencement of a series of inroads upon the parks. Here they were going to expend 26,000*l.* on this building when the Irish poor were starving. ["Question, question!"] It might be a sore subject to some Members, but he did not care for that. It might be a sore subject to the Government; but nothing could be of much importance to them, for their days were numbered. He would tell hon. Members that "*want of decency was want of sense*"—*parva leves capiunt animos*. They were ashamed of the course they were pursuing.

Motion made, and Question proposed—

"That there be laid before this House, a Return of the number of trees already marked and proposed to be cut down in Hyde Park, for the purpose of making room for the buildings and grounds for approach, that are to be appropriated to the use of the proposed Exhibition, as it is termed, of the Industry of all Nations, in the year 1851; with a statement when and by whose authority the demolition of such trees is to be carried into effect."

LORD SEYMOUR said, he thought it would be unnecessary to reply to the desultory observations which the House had just heard, and he felt that he need not enter into the history of the parks. A report had been made to him that the Commissioners thought the removal of some trees necessary for the purposes of the proposed building, and he requested them to mark those trees, in order that he might see them. He had not yet heard officially that they required all those trees to be cut down, or more than the number which had been marked; he therefore was not certain whether those were the whole of the trees that were required, or even whether so many would be wanted.

MR. MACKENZIE begged to inquire whether the noble Lord would give any information to the House and the public, before any trees were cut down?

LORD SEYMOUR said, certainly not;

he was responsible for whatever might be done.

LORD J. MANNERS wished to know if any considerable number, in addition to those marked, were to be cut down—would all those be cut down, without any deference to the wishes of the House and the public?

LORD SEYMOUR replied, that he had not received any official return from the Commissioners. He had not stated that all the trees would be required, nor was he able to answer fully the questions that had been put to him; but he believed that not one large tree would be removed.

COLONEL SIBTHORP did not wish to hurry the noble Lord. He was perfectly willing to wait till he was prepared to give the House information on the subject, and would therefore withdraw his Motion.

Motion, by leave, withdrawn.

LANDLORD AND TENANT BILL.

Bill, as amended, considered.

COLONEL SIBTHORP moved that the House do now adjourn.

Motion made, and Question put, "That the House do now adjourn."

The House divided:—Ayes 11; Noes 61: Majority 50.

COLONEL SIBTHORP considered the Bill was dangerous in character, and it was the opinion of many large agents that this Bill ought not to pass. He would ask those hon. Gentlemen who professed to be the farmers' friends what they had given back to their tenants? They might put that question to him if they liked. The Bill was a partial Bill to such partial purposes, and he insisted upon it that such a Bill was not necessary for Lancashire, whatever it might be for Berkshire. His advice to landlords was, to be liberal to tenants, and then there would be no differences between tenant and landlord. He objected to a Bill that was smuggled in at a quarter past One o'clock, like this Bill. If the cause was good, it would stand investigation. The Bill had been over and over again introduced and rejected, and now it was attempted to be smuggled through the House at that hour. He might be beaten on the question, but he would move that the further progress of the Bill be postponed to that day six months.

MR. SPEAKER said, it was competent to move the adjournment of the debate, but not the postponement of the Bill.

COLONEL SIBTHORP then moved the adjournment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 3; Noes 51: Majority 48.

COLONEL SIBTHORP moved that the House be counted.

Strangers withdrew; but as there were forty Members present, the proceedings were continued.

MR. PUSEY said, that the Bill could not much affect the hon. and gallant Member, who he did not believe had read the Bill.

COLONEL SIBTHORP said, he had read the Bill, and he should not hesitate to do his duty, notwithstanding the impertinence of the hon. Member for Berkshire. [*Cries of "Order!"*]

MR. SPEAKER said, "impertinence" was not a Parliamentary phrase, and must be withdrawn.

COLONEL SIBTHORP said, the hon. Gentleman had accused him of not having read the Bill; that was an offensive remark, and ought to be withdrawn also.

MR. PUSEY said, he meant nothing personally offensive to the hon. and gallant Member.

Amendments made.

Bill to be read 3^o on Thursday.

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 19, 1850.

MINUTES.] PUBLIC BILLS.—2^a Friendly Societies; Borough Bridges; Trustees.

SCHOOL ESTABLISHMENTS (SCOTLAND) BILL.

Order for Second Reading read.

VISCOUNT MELGUND said, it was agreed that if a general system of education could be accomplished, it would contribute greatly to the political, moral, and social welfare of the country. In the United States of America a very liberal and enlightened system of national education prevailed, and with all their faults no people were better qualified to exercise their rights and understand their duties than the people of that country. All parties, he believed, would admit that some change of the present system of education in Scotland was necessary. They were in a transition state as regarded education in

that country, and sundry schemes had been laid before the public. He must say, however, that he thought the old system of education in Scotland was in many respects much better than the new system that was in danger of being adopted; and he hoped the House would agree with him in thinking that they ought to adhere to the old system, with such changes as modern ways of thinking might render necessary. It would appear that even prior to the Reformation in Scotland the Legislature had directed its attention to the subject of education, for they found that as early as 1494 an Act was passed directing all persons to send their eldest sons to school; and there was evidence to show that what were lecture schools were planted in the greater number of the principal towns. Thus, in Edinburgh and Glasgow, large schools were founded in connexion with the abbey of Holyrood in the former, and with the cathedral in the latter city; and similar institutions existed in many other places. But the origin of the present system of parochial education in Scotland was to be traced to the time of the Reformation. When the Roman Catholic Church was subverted, the Reformed clergy who took their places, endeavoured to lay down a general principle for the administration of all the funds derived from that Church. They proposed that the ecclesiastical funds should be divided into three portions—one part to be appropriated to the payment of the clergy, another to the support of the poor, and the third to the establishment of schools and universities. A very liberal endowment was proposed for schools, though the arrangement was not at that time carried into effect. Various legislative measures had been enacted respecting schools in Scotland, between the years 1696, when the Act was passed which regulated the whole parochial system, down to 1803. That Act made it imperative to establish a school in every parish, by and with the advice of the heritors and minister; and in 1803 a formula was introduced to be adopted by schoolmasters, whose salaries were increased, and the electoral body considerably restricted. The Act of 1803 had not worked so well as the friends of education could desire, and the difficulty was, that whenever any attempt was made to improve the system, some religious question was raised which prevented anything really beneficial being done. Had it not been for that difficulty, the Government would no doubt have interfered, and by this time

the parochial schools of Scotland would have been in a much better condition than they now were. The next question was, what was the actual condition of education in Scotland? He was not prepared to say that the state of education in that country was so bad as in England, but certainly it was far from being what it ought to be. In endeavouring to arrive at an accurate knowledge of the facts bearing upon this point, he had obtained the assistance of a few authentic documents; but he hoped, from the sources of information at his command, to make a near approximation to what was the real state of the case. He found from the Prison Report of 1846-47, that out of 16,000 prisoners committed, one in three could read well, one in thirteen could write well, and one in fifty knew something more than reading and writing. In the Perth prison, out of 302 prisoners, only seventy could read well. Of 20,076 criminals committed from July, 1847, 4,742 could not read, and 10,517 could not write; 8,873 could read with difficulty, 1,623 could merely sign their names, and 5,932 could write with difficulty; making a total of those who could not read, or read with difficulty, of 13,615; and of those who could not write, or wrote with difficulty, of 17,072. In the report of the Inspectors of Prisons for this year it was stated that out of 210 prisoners admitted to Perth prison, 128 could not read, or only read a little, and eighty-two could read well. From the tables of criminal offenders in Scotland, presented to the House a few days ago, it appeared that out of 4,357 criminals, 891, or 20 per cent, could not read or write; and that 3,586, or 82 per cent, could only do so imperfectly. These facts might be multiplied to a great extent; but he felt it unnecessary to do so, for on all hands the great want of education was admitted. It had been computed that, notwithstanding all the efforts making to educate the people of Scotland, not fewer than 150,000 children, or about two-fifths of the whole juvenile population of Scotland, were uneducated. In an inquiry, embracing a gross population of 40,000 in Glasgow, in 1846, not much above half of those between the ages of six and sixteen attended school; nearly one-fourth were unable to read, and only one in every three and one-third had received instruction in writing. In Edinburgh 92 per cent of the criminals were uneducated, notwithstanding the large educational establishments which that city contained.

It was proper he should state that juvenile confinements had decreased in Edinburgh during the last three years, and that this was attributed to the influence of the ragged schools, and also to a clause in the Police Act, which empowered the magistrates to punish juvenile offenders otherwise than by imprisonment. He would now advert to the provision made for educating the people of Scotland. In Scotland there were 883 parish schools, with an average attendance of eighty-four at each, making in all 74,300 scholars. Then there were 200 supplemental parish schools, having an attendance of 16,800; 125 General Assembly schools, having 15,000 scholars; forming a total of 106,000 scholars in attendance upon the schools of the Established Church. In connexion with the Free Church there were 626 schools, where the masters received gratuities, having 55,000 scholars. Of non-salaried schools there were 190, with 10,000 scholars; making altogether 816 schools, and 65,000 scholars. At all other schools the number of scholars estimated was 150,000; they had thus, in connexion with the Establishment, 106,000 scholars; with the Free Church, 65,000; other schools, 150,000; making a total of 321,000; and as there were 500,000 children in Scotland, it followed that 180,000 were left quite uneducated. The condition of the parish schools was certainly far from what it ought to be. A very large number of the teachers were reported to be, from age and infirmity, disqualified for the discharge of their duties; while, as regarded the buildings, many parish schools were of insufficient dimensions, and others imperfectly furnished, lighted, and ventilated. As regarded the taxation for the support of the parochial schools, it pressed with great inequality. Taking 13 counties south of the Forth and Clyde, with a population of 1,288,000, he found that in that district there were 273,000 people living in 242 rural parishes. Computing the taxation on each rural parish at 40*l.*, that would produce a sum of 9,600*l.*, and the number of children who should receive education might be stated at 45,500. By a similar computation there would be 169,000 children in the town parishes; so that while a sum of from 4*s.* 6*d.* to 5*s.* a child was paid in the rural districts, in the towns and in the mining and manufacturing districts not more than from 6*d.* to 1*s.* a child would be necessary. This showed great inequality of taxation, and it certainly called for a

remedy. He would now come to the condition of the schoolmasters, and the payment which they received; and upon this point he must say, that not only the Established Church, but the Free Church also, considering that they professed to go back to the ancient system, as laid down in the first and second Book of Policy, had not dealt fairly with the schoolmasters connected with their churches. In former days the schoolmaster's salary was, in some cases, equivalent to, and in other cases larger than, the stipend paid to the minister. It appeared that schoolmasters had sometimes salaries of from 6*l.* to 12*l.*, per annum, while the Principal of a University had not more than 18*l.* The minister of the West Kirk of Edinburgh received in those days 9*l.*, while the schoolmaster of the parish had 12*l.*; and it appeared that in some cases not more than 3*l.* was paid to the clergy. Now, however, the masters of the Highland schools had, on an average, 5*l.* each, and in some cases only 2*l.* or 3*l.*; and it often happened that when the herrings came into the loch the schoolmaster would dismiss the school, and go to the herring fishery, where he would earn more in one night than in the school for the whole year. Now, if the schools were an integral part of the Church establishment, he held it to be very unfair that in one part of that establishment salaries of a superior kind should be received, while in another part the most miserable salaries were given. The schoolmasters in connexion with the Free Church were no better off than those connected with the Establishment. It appeared that those who were to receive 15*l.* of salary were only receiving 10*l.*, that those who understood they were to get 20*l.* had been paid with 13*l.* 13*s.*, while others, who were to get 30*l.*, were paid with 20*l.* The measure which he had brought forward was founded upon the territorial principle. Indeed, it would be very difficult, if not altogether impossible, in the case of a thinly scattered population like that of many districts in Scotland, to deal with the question upon any system which did not imply a united education, because, without an immense expense it would not be possible to have more than one school in each district; and as Dissenters were scattered all over the country, and as the adherents of the Establishment were now a minority of the people, it was quite absurd to expect that the Establishment should possess a monopoly in regard to schools intended

for the whole population. He therefore proposed that the schools should be open to all classes, and that all persons should be enabled to compete for the honourable office of schoolmaster. He next came to a point upon which a great many difficulties had been very unnecessarily raised—he meant with regard to the religious education which would be afforded in these schools. He begged to remind the House that, as concerned the greater part of the population of Scotland, there was no essential difference with respect to religion; that the duties of the Established Church, of the Free Church, and of the United Presbyterian Church, were in all essential respects the same; that they appealed to the same *Confession of Faith* in their churches, and used the same catechisms in their schools; and that the differences which had arisen amongst those were not so much upon questions of religious doctrine, as upon questions involving political consequences. There was therefore no sort of reason why the children of all these bodies should not join together in the matter of education. Indeed, the practice of all these churches, and even of the Roman Catholics and Episcopalians, had hitherto been to act together in the matter of education. It appeared from returns obtained some ten or fifteen years ago, that in the case of 915 out of 924 parochial schools, the parents were in the habit of allowing their children to attend them without reference to their own religious opinions. In proof that the religious education of Scotland was not to be attributed to statutory enactments and the connexion of the parochial schools with the Established Church, he begged to mention that the Presbytery of Edinburgh, in virtue of the powers conferred upon them by the Act of 1696, the Act of Union, and other Acts, were in the habit of visiting a great number of schools within their bounds, non-parochial as well as parochial, and, as he was informed, that presbytery had reported that in all these schools, whether connected with the Establishment or not, the religious education was perfectly satisfactory. He begged also to observe, that if in the measure which he now proposed to the House, he had introduced anything whatever about religion, he should have done that which had never been done in any of the previous Acts of Parliament on this subject. Religion had always been omitted in former Acts, because it was well known that if the parents desired, as

in nine cases out of every ten they did, to give their children a religious education, there was no danger that their wishes would be neglected. In one of the reports lately presented to Parliament he found a statement which applied very appropriately to this question. There was a gentleman named Milne, a native of Fochabers, who upon his death, a few years ago, bequeathed a large sum for the purpose of being applied towards the education of the children of his native parish; and here was what the report said on the subject:—

"The bequest was intended for the benefit of all children in the parish—including those who are under no need to be relieved from the ordinary cost of education—as if the donor, by so large and indiscriminate a gift, had desired to mark his own sense of the equal value of education to all, and to encourage such a regard for it as might appear in his own substantial testimony to its importance. It is a less singular feature of the bequest, that it favours alike all religious denominations in the parish, nearly two-thirds of all the children of the Milne schools belonging to the Established and Free Churches, and nearly one-third to the Roman Catholic. The donor, himself, it may be remarked, was of the latter connexion, and willing that his gift should have a really Catholic application. The late rector, in his report to the directors, observes, 'That there is always about 20 per cent, or one in every five, of the whole population receiving education in the parish' (where there are several schools besides those mentioned), 'and that during the months of January and February the number rises to nearly 25 per cent, or one in four of the whole inhabitants of the parish.'"

This extract showed that if they liberally provided, on tolerant principles, for the education of the people, there would be no real difficulty found in dealing with the subject. But he wished the House to observe, also, that even those who differed from him in theory on this subject did not differ much from him in practice. Dr. Candlish said—

"The denominational system had many advantages, and it was not open to the objection very often urged against it, that it tended to teach sectarianism, at least to any extent like what had been attributed to it. In point of fact, in no school in Scotland, established, Free Church, or any other, was sectarianism, properly speaking, taught at all; in no school whatever was a system of proselytism prevalent over broad Scotland."

He then said, that the character of the Church gave security for the teachers' character. On another occasion Dr. Candlish said—

"He would desiderate the amendment which he had asked at the very outset, and to which Dr. Chalmers referred in the document quoted, that the Government should take no cognisance whatever of the religion taught within the schools.

He desiderated, in fact, the universal adoption of the rule which they had consented to adopt in certain particular cases, namely, the dispensing altogether with the certificate of religious instruction as regarded these schools; that, according to his mind, would exempt the scheme from the reproach to which it was now open, that of indiscriminately endowing all religions. The scheme would then be one giving aid to schools simply in consideration of the secular education given in them."

He would also refer to an important document on the subject of education which lately had made some sensation in Scotland, and which had obtained the signatures of a great number of influential men of all denominations. The signers of that document agree with Dr. Chalmers—

"That there is no other method of extrication from the difficulties with which the question of education is encompassed in this country than the plan suggested by him as the only practicable one, namely, 'that in any public measure for helping on the education of the people, Government should abstain from introducing the element of religion at all into their part of the scheme.'"

He only wished to say a few words more. He had brought forward this plan with great reluctance. He regarded it as an unfortunate circumstance both for himself and the House that he should have been obliged to step forward in this manner at all; but the urgency of the question, in his opinion, was such, that if he could only do something to lay the basis of a sounder system, he felt that he would not be justified in withholding his views upon it. The plan which he had the honour to propose proceeded upon the old territorial system, and the principal difference between it and the Act of 1803 was, that in the present Bill he proposed to abolish all tests. Some fifty or sixty teachers had been expelled from the parochial schools within the last few years for no other reason but that they attended the Free Church. He wished to prevent the recurrence of such unjustifiable proceedings. There was one important provision which he had thought very desirable, but which, knowing, as he did, the dislike to additional taxation, he had not ventured to introduce—he meant a provision making it compulsory to provide a sufficient number of schools. He adhered to the system of local taxation, aided by grants from the Government. That practice of receiving grants from the general taxation of the country was a practice of which he did not much approve; but it was a practice which he could not attempt to abolish. He proposed, therefore, that assistance should be

given by the State, not in aid of voluntary contributions, but in aid of local taxation. He had also introduced clauses providing that there should be pensions granted to superannuated schoolmasters, and that there should be a strict examination of all schoolmasters previously to their receiving their appointments. He believed that the expense of the charges which he contemplated would not be so great as some Gentlemen might imagine. The expenditure which the adoption of the measure would entail would amount, he believed, to about 125,000*l.* a year, while the cost of the present system amounted to about 40,000*l.* a year. But he certainly thought that the wealth of Scotland ought to contribute a larger sum than it contributed at present for the education of the people.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. FERGUS seconded the Motion.

SIR G. CLERK said, he had listened with great attention to the speech of the noble Lord, and should certainly regard it as a very able statement. With many of the statements of the noble Lord he did not feel inclined to differ; but he should remark that the important part of the noble Lord's statement, namely, the explanation of the principle on which the measure was founded, was the part that seemed to occupy least of his attention, and to which he had also devoted the smallest portion of his observations. The noble Lord had asserted that the system upon which education was based in Scotland was defective and deficient. Now, it had been one of the great objects of the fathers of the Scottish Reformation to take care that there should be a school in every parish, "for the godly upbringing of children;" and they seemed to feel that any system of education that was not based on religious principles would be all the same as nugatory. From the very first the parochial schools had been part and parcel of the institutions of Scotland. He would not even confine their existence within the period of the Reformation in Scotland and the present; because even prior to the Reformation, in the Roman Catholic era, the parochial schools existed. However, the system received the sanction of the Reformation, as also of the revolution of 1696, which formed the groundwork of the existing system in Scotland. By the law as it stood at present, schools were established in every parish, built and

maintained by a tax on the land; and out of this tax also were paid the teachers and the clergy, as also the expenses of building and repairing churches and places of worship. Therefore, in looking at the intentions of the Scottish Reformers, it was evident that the principle which emanated from them, namely, educating the people and defraying the expenses of public worship by means of a tax on land, was at present being carried into effect. The Free Church considered it to be so essential a part of the territorial system to have a school attached to every church, that they had built and endowed schools in no less than 600 parishes within the last three or four years. They considered it essential that all entrusted with the education of the people should patronise schools, deeming education to be the handmaid of religion; and to that feeling Scotland owed the position she held of possessing the most moral, religious and educated class of people of any nation. Nevertheless, he admitted that one school was not sufficient in each parish, and that the parochial system could never be applied to the remote districts in the Highlands or in crowded cities. He admitted that there were some defects in the present educational system in Scotland; but he did not think that these defects were by any means as great as they were sometimes represented to be. The noble Lord had stated that there were at the present moment 330,000 children receiving education in Scotland. Now, he believed that the noble Lord had rather overstated the number, which, in his opinion, could not well amount to more than 300,000 children. By an abstract of the population as taken in 1841, he found that the total number of children in Scotland between the ages of five and fifteen—just the period at which education was generally imparted—amounted to 600,000. But then the evidence of the Educational Commissioners went to show that in the various schools which they had examined, instead of being anything like 15 years of age, four-fifths of them were under 10 years, and those of 12 years did not amount to more than one-sixth. The cause was easily explained, because in the manufacturing and mining districts children of 12 and 13 years were, by their industry, a source of profit to their parents, who preferred to have them employed at remunerative wages to going to school, which was more important to them than amassing education. That was

an evil not to be remedied by the erection of new schools, but by exalting the moral and physical condition of the parents themselves, and showing them the great and important benefits to be derived from education. With regard to the numbers in Scotland not able to read or write, it would be necessary, before censuring the country for that deficiency on the part of its inhabitants, to show how many of them were natives of the country. He believed if the statistics of the large towns and cities were closely investigated, particularly those of Glasgow, it would be found that a large number of that deficient class had immigrated to Scotland at no remote period; and consequently the system of education in that country was not chargeable with their ignorance as regarded reading and writing. When the hon. Member for Oldham called attention to the necessity of levying a rate and making the provision of education compulsory, because of the alleged failure of the voluntary system, he was probably right in having done so. But no complaint of the inefficiency of the voluntary system could be charged against Scotland, as evidenced by the erection of 600 schools within five years, which evinced no want of zeal on the part of the Free Church in the cause of education. Indeed he might say the Established Church had also done its duty. In addition to the parochial schools, large sums were voluntarily contributed by the General Assembly for the purpose of building and endowing schools in remote and thinly inhabited districts. In 1842 the number of pupils attending each school was, on an average, about 70; whilst in 1848 they numbered upwards of 80 in each school. The ragged schools had also worked much benefit in bringing up those children abandoned to the neglect of the world, and imparting to them an elementary and industrial education, as well as providing them with food and clothing—in fact, the schools had realised all the objects expected by their philanthropic founders. Although he was in favour of extending the educational principle in Scotland, yet he did not find the condition of things there to be such as to warrant him in calling for the abolition of a system which had prevailed for centuries, and to which system Scotland was indebted for the exalted position she held amongst nations. The noble Lord had adverted to the very inadequate salaries paid to the masters of schools under the present system. Now,

though he (Sir G. Clerk) thought the people of Scotland would not object to see these salaries increased, yet, in his opinion, the masters should be kept more or less dependent on the emoluments they derived from these schools, and not be induced to become negligent by a State salary. But why, he would ask, were the parochial schools the only schools with which the noble Lord proposed to deal? It should be observed that that measure would in no way interfere with the schools founded by the Free Church. And yet it appeared that the Free Church did not approve of the Bill: for a large majority of the members of a general assembly of that Church had joined Dr. Candlish in opposing it. The noble Lord might depend upon it that no system of education from which religious education was excluded, would receive the support of any considerable portion of the people of Scotland. The question was, did the educational wants of Scotland become such as to require so sweeping a change as that recommended by the noble Lord? It was admitted that the Dissenters felt no practical grievance in sending their children to schools patronised by the Establishment; and the only grievances complained of by them, according to the evidence of the Rev. Dr. Taylor, were two in number, namely, that the masters were selected from the Established Church, and that the schools were also placed under the control of that Church. The noble Lord proposed to establish a board of one paid commissioner, one paid secretary, and four or five *ex-officio* members to manage and control the system of education in Scotland. But the House must be aware that in all cases of a similar nature, the duties almost invariably devolved on the salaried officials; and he might then say, whatever amount of support the proposition of the noble Lord might meet with in that House, there was but one feeling in Scotland respecting the system, and that was one of opposition. No Dissenter objected to send his child to school in Scotland by reason of the religious education imparted there; and, such being the feeling of liberality amongst them, he thought a very strong case should be made out by the supporters of the noble Lord's proposition, to induce the people of that country to alter the existing system. As regarded the secular nature of the education proposed to be imparted by the proposition of the noble Lord, he (Sir G. Clerk) would caution the House how they separated the Church

from the school, because in his opinion the result would be to lower that tone of religion and morality for which the people of Scotland were distinguished, and which, beyond a doubt, resulted from the principles imparted to them by their present system of education. He therefore objected to the principle of the Bill, because it aimed at a severance of the Established Church from the parochial school. Indeed he might say that was the main and principal feature of the Bill, as everything else contained in it might be adopted or rejected at the pleasure of the people of each parish. The system, if carried into effect, would put an end to the superintendence of the Church, and render it no longer necessary that the master of the school should be a member of that Church. What he then called on the House for was noninterference with the parochial schools; and he besought of them, whatever they might do, to do it in encouragement of them rather than otherwise. The Church of Scotland looked with no jealous eye on the aid given to the Free Church or other schools. In Scotland there already existed a compulsory assessment for the support of education; and he thought the people of that country would have good cause to complain if any additional burden, such as the measure of the noble Lord contemplated, were placed upon them. Had the proposition of the hon. Member for Oldham been adopted, as regarded England, then, indeed, there would be a precedent for extending compulsory educational taxation to Scotland. However, though a precedent, it would not be a justification, as, according to that hon. Member, the voluntary system was falling away in England, whilst, not long since, upwards of 20,000*l.* had been collected by the Established Church in Scotland, to be devoted to the purposes of education. Therefore he said, give the voluntary system a fair and impartial trial, and he believed that in a few years it would overtake, or nearly overtake the deficiency at present complained of in education. He maintained that the Bill of the noble Lord did not provide for that deficiency, which could not be obviated by the parochial committee to be established under it. He admitted that the law under which these schools were at present regulated was imperfect, and required amendment; and he trusted, therefore, that Her Majesty's Ministers would give the matter their most serious attention and consideration, and that they would modify what ap-

peared to them to be harsh, and improve where at present there might be deficiency. The system of parochial instruction in Scotland was one which ought not to be touched with a rash hand. Parochial schools opposed no barrier to the extension of education in Scotland; but by securing a limitation of these schools, it prevented schools being established from which the religious element should be entirely excluded; and he implored the House, whatever they did to extend their system, to leave untouched the present system of parochial schools. He should, therefore, move that the Bill be read a second time upon that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. FERGUS said, that if he thought that, in assenting to the second reading of the Bill, he was at the same time pledging himself implicitly to its details, he should have hesitation in giving to the Bill his humble support; but there were matters of detail embodied in this Bill which could be settled in Committee, and which would render the Bill more acceptable to the parties for whom it was intended. There were two principles in this Bill—popular control, and the exclusion of religious tests. To these two principles he was ready to give his most cordial assent. He believed they were principles which would find acceptance amongst the great body of the people of Scotland, and he believed they were the principles which lay at the root of all just legislation on this subject. He could not altogether divest himself of the opinion which had been indicated in the petitions presented to the House, that there was something of church party, or of a contest for church supremacy, in this matter, and he thought that the two principles of the Bill would be worked out by people of all classes; and when the measure had passed into a law, he believed there would be no class of people more anxious to work it out for good than those very clergy who intimated their dissent from it. The right hon. Gentleman the Member for Dover had reasoned on the Bill introduced by the noble Lord, and the Bill introduced by the hon. Member for Oldham, as if they wished to exclude religion from the teaching in schools, or to exclude the clergy from the management of them. He knew something of the state of feeling in Scotland, and he knew that no Act would be passed

by this House which would exclude religion from the schools of Scotland, or would exclude the clergy from the management. He did not think that one thing or the other was desirable; they owed everything to the clergy as to the moral condition and education of the people; but they owed it not to one sect or the other. His knowledge of the county which he had the honour to represent placed him in the position of knowing one or two of these schools; he knew one where the attendance for many years had not exceeded ten or twelve persons, and another where there was an assembling of fifty Dissenting children. This was one of the schools which stood in the position of being a handmaid to the Church; it was within twenty yards of the minister's house. It was for the House then to consider whether, in the present condition of the Church of Scotland, they would give the clergy additional power in the control of these schools. He did not think this was a time for entering into the details of the measure brought forward by the noble Lord; but he would observe that if a retiring allowance were given to the clergy who were no longer able to discharge their duties, they would find the schoolmasters of the country gradually coming within the pale of their income. He considered it as a reproach to the Government that so little had been done by the Exchequer of this country for the support of the schools within it. We were prodigal in some respects, and parsimonious in others. We had charitable institutions whose wealth was almost fabulous, and we suffered a generation to grow up in ignorance. He believed that unless something was done to raise the intellectual and moral condition of the people, the accumulating wealth of this country would cease to be a blessing to the people themselves, and they would feel the evil of the course they were pursuing in their alienation and discontent.

MR. OSWALD said, that the House was not in possession of the information which was absolutely necessary for it to deal with so momentous a question. The House at this moment possessed information on the subject contained only in one return, which did not occupy more than one sheet of paper. The whole number of returns amounted to six; and the Select Committee which was appointed on the subject in 1835 had never examined any witness, had never been reappointed, and there the matter ended. Would the House vote for the change of the whole educa-

tional system of Scotland without examining a single witness? Would they cut up by the roots a system which John Knox had begun—which took 100 years before it was brought into being—a system which was part of the revolutionary settlement? Were they going to blow all that to the winds because a noble Lord had come to the House and made an able speech of one hour? The hon. Gentleman who had just sat down had said that there were two principles in the Bill, first, popular control, and then the exclusion of religious tests. He asked the hon. Member to read the Bill, and see if there was anything like popular control in it. This Bill enacted that there should be a board in Edinburgh, consisting of twelve persons, seven of whom were directly appointed by the Crown, and of the other five, one was a great officer of State. The Lord Advocate, the Solicitor General for Scotland, and three Members, were appointed by the Government; there was a paid chairman and paid secretary; the Principal of the University of Glasgow, the Principal of the University of Edinburgh, and the Rector of the High School, of whom three were to be the board. So far from this Bill giving popular control over the education of Scotland, it was at the disposal of three men sitting in Edinburgh, with a committee in every parish. They were to determine the branches of education to be taught; but the Committee of Education might disallow any of these. This would give the Government power for political purposes. But there was a much stronger reason why the House should reject this Bill. From the Bill there had been totally excluded any mention at all of a subject which never could be lightly passed over—the subject of religion. The noble Lord who moved the second reading of the Bill, had said that in no previous Act of Parliament was there any mention of religion; but the noble Lord seemed totally to have forgotten the Act in the reign of James VI., in 1567, and he had omitted to read the Act of 1596. The Act of 1690 made it imperative that every schoolmaster in Scotland should sign the *Confession of Faith*, which was a most laborious dogmatic statement of the various principles which the Church of Scotland held. Were schoolmasters to put their names to this confession of faith as a matter of form? Was it illusory? This Bill was totally silent as to religion. By this Bill the heads of families had no sort of control over the school, and he thought

that this Bill could not possibly meet with the approval of the Association for the Improvement of Education. He had ventured to address the House, because he was not a member of the Established Church of Scotland; because he thought there were great defects at present with regard to the administration of schools, which might be easily amended; but his principal reason for addressing the House was, that he thought a person not a member of the Established Church might be listened to without any suspicion that he wished to advance the interests of the Established Church of Scotland. He had no wish to extend the jurisdiction of the Church, or by any side wind to cut away from the Church the endowments to which they were entitled. He considered that this Bill was the first step to such a consummation, and such a consummation ought not to come until the people of Scotland had made up their minds. He should support the Amendment of his right hon. Friend the Member for Dover.

MR. F. MAULE looked upon this as one of the gravest and most important subjects, and second only to the question which had formerly been introduced, namely, the claim of rights which had preceded the disruption in the Church of Scotland. In his opinion nothing could affect this country more deeply than the system of education so placed upon right principles as to be general and available to the whole community. The principle that he found laid down in this Bill was, shortly, that the means of education in Scotland were inadequate to the present circumstances and population of the country, and that it was expedient that the established means of education should be amended, and more ample means provided. In discussing that principle, he meant to discuss it in a spirit not hostile to the parochial schools of Scotland—not hostile to the Established Church of Scotland, or to any institution that existed in Scotland. The system was a national system in the same way that the Church in Scotland was a national Church. That did not last long. Although the Scotch endeavoured, when they gave their allegiance in 1690, to surround their ecclesiastical system and their school system, as far as they possibly could, with every guard of legislative enactment, in a few short years, in 1711, the system was broken in upon; and then began the disseverance of the Church of Scotland from the people of Scotland which had

been so fearfully accomplished in our own days. Dissent in 1735 took its first position in the land, and in 1843 that event took place, that the Church, which was once a national Church, became the Church of the minority of the people. Was it likely that any system of education should be recognised in Scotland solely and exclusively under the guidance of the Church of the minority? It was hopeless to suggest that any improvement in the condition of the schoolmaster would ever be listened to by the Parliament of this country as long as these schools remained close corporations. At this moment the schoolmasters in Scotland were obliged to be members of the Established Church; they were obliged to subscribe to the *Confession of Faith*, and they were were obliged to subscribe formularies. There were many who would like to see these tests abolished altogether. There was no more necessity for introducing the religious element into this Bill, than there was in times past. With 600 schools established by the Free Church of Scotland within these few years, there was still a portion of the population, amounting to 300,000, whose education was not provided for. A system might be established which would take up all the schools which were working on their own foundations. It was universally true that the voluntary efforts of the Free Church to educate their population had not, to the extent proposed, been successful. They saw parochial schools to which they might send their children, but having no knowledge of what the children were doing, they would not send them. There were many statistical details in Scotland; but there was no statistical information whereby they could know the means of education, and the parties who availed themselves of it. It would be a most useful thing if such inquiries were made; but of this he was sure, that unless something were done to make a common system in his country, they would have matters go on from bad to worse, and instead of the population being improved, it would be deteriorated. Was there any country in the world where one system of education could more easily be established? The population followed the same profession of faith; they read the same religious book; and on no point of doctrine would three-fourths of the people of Scotland differ. What prevented their being gathered into one system? The jealousy and difference upon

small points of discipline. If each party would consent to yield but a little, he could conceive such a system of education to be established as would secure the best teachers, and prevent rivalry in the same district. The inspection of these schools should be open to the clergy of all denominations; no one sect holding a higher authority or place than the others. With such a system the people of Scotland would not only be more numerously educated than the population of other countries, but they would be educated more in harmony with one another, while each one followed his own religious creed. Such a system would also do away with much of the sectarian asperity that now existed. Entertaining these opinions, he should cordially vote for the second reading of this Bill, without pledging himself to details. He voted that way, because, looking to the state of things in Scotland as regarded education, he saw clearly that unless there was timely interference by the State, there would be a more dangerous interference made by the people.

MR. C. BRUCE said, that the great boast of the national education of Scotland was its connexion with religion, and this Bill, if he understood it aright, was calculated to dissolve that connexion. He believed that they would never have heard of the measure had it not been for the ambitious desire of the Free Church to get the control of the parochial schools of Scotland. Why alter a system which had given such satisfaction to all sects and denominations? He had it from Dr. Macleod, that the school in the Hebrides was frequented by the children of the Roman Catholic inhabitants, and that recently their priest having attempted to remove them, he was admonished by his diocesan, and the children allowed to remain, with a warm acknowledgment from the bishop as to the merits of the school. Believing that the present system of education in Scotland had made its people enlightened, moral, and religious, and that any attempt to secularise it would be attended with serious mischief, he should give his cordial support to the Amendment of his right hon. Friend the Member for Dover.

MR. MACGREGOR was willing to admit that the system of education in Scotland had worked well, but he thought that under existing circumstances its efficiency would be increased by the Bill of the noble Lord. The existing system had worked admirably, while the Church of Scotland

remained undivided; but now that there was so much difference of opinion on questions of religious discipline, some modifications were, in his opinion, absolutely necessary. Having these views, he felt bound to support the second reading, reserving to himself the power of amending the details in Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 94; Noes 100: Majority 6.

List of the AYES.

Aglionby, H. A.	Hutchins, E. J.
Anstey, T. C.	Hutt, W.
Armstrong, Sir A.	Jackson, W.
Bagshaw, J.	Jervis, Sir J.
Bass, M. T.	Kershaw, J.
Bellew, R. M.	King, hon. P. J. L.
Birch, Sir T. B.	Lewis, G. C.
Bouverie, hon. E. P.	Lushington, C.
Bright, J.	Mackinnon, W. A.
Brocklehurst, J.	M'Cullagh, W. T.
Brockman, E. D.	M'Gregor, J.
Brotherton, J.	M'Taggart, Sir J.
Brown, W.	Martin, J.
Butler, P. S.	Maule, rt. hon. F.
Carter, J. B.	Milner, W. M. E.
Cayley, E. S.	Morrison, Sir W.
Chaplin, W. J.	Morris, D.
Clay, J.	Mowatt, F.
Cobden, R.	Muntz, G. F.
Colebrooke, Sir T. E.	Nugent, Sir P.
Craig, Sir W. G.	Ogle, S. C. H.
Crawford, W. S.	Pearson, C.
Dalrymple, Capt.	Pechell, Sir G. B.
Davie, Sir H. R. F.	Perfect, R.
Divett, E.	Philips, Sir G. R.
Duff, G. S.	Pigott, F.
Duff, J.	Rawdon, Col.
Elliot, hon. J. E.	Rice, E. R.
Evans, Sir D. L.	Rich, H.
Evans, W.	Romilly, Col.
Ewart, W.	Romilly, Sir J.
Ferguson, Col.	Russell, F. C. H.
Fordyce, A. D.	Salwey, Col.
Forster, M.	Scholefield, W.
Fortescue, C.	Scrope, G. P.
Fox, W. J.	Scully, F.
Grace, O. D. J.	Sheil, rt. hon. R. L.
Grenfell, C. W.	Somerville, rt. hon. Sir W.
Grosvenor, Lord R.	Stuart, Lord D.
Hallyburton, Lord J. F.	Thompson, Col.
Harris, R.	Thornely, T.
Hastie, A.	Wall, C. B.
Hatchell, J.	Wilcox, B. M.
Hayter, rt. hon. W. G.	Williams, J.
Headlam, T. E.	Wilson, M.
Heywood, J.	
Hobhouse, T. B.	TELLERS.
Hodges, T. L.	Melgund, Visct.
Howard, P. H.	Fergus, J.

List of the NOES.

Adderley, C. B.	Baldock, E. H.
Alexander, N.	Bentinck, Lord H.
Arkwright, G.	Blair, S.
Bailey, J.	Boldero, H. G.

Booth, Sir R. G.	Mackie, J.
Bromley, R.	Macnaghten, Sir E.
Bruce, C. L. C.	McNeill, D.
Buck, L. W.	Manners, Lord C. S.
Buller, Sir J. Y.	Matheson, J.
Burrell, Sir C. M.	Matheson, Col.
Chatterton, Col.	Meux, Sir H.
Chichester, Lord J. L.	Miles, W.
Christopher, R. A.	Moody, C. A.
Clive, hon. R. H.	Mullings, J. R.
Colville, C. R.	Mundy, W.
Conolly, T.	Mure, Col.
Deedes, W.	Naas, Lord
Denison, E.	Napier, J.
Denison, J. E.	Neeld, J.
Dod, J. W.	Neeld, J.
Drummond, H.	Newdegate, C. N.
Drummond, H. H.	Newport, Visct.
Duckworth, Sir J. T. B.	Oswald, A.
Duncombe, hon. O.	Pakington, Sir J.
Duncuft, J.	Patten, J. W.
Dundas, G.	Pennant, hon. Col.
Du Pre, C. G.	Pilkington, J.
Egerton, W. T.	Plumtre, J. P.
Emlyn, Visct.	Prime, R.
Estcourt, J. B. B.	Pugh, D.
Fellowes, E.	Rushout, Capt.
Floyer, J.	Seymer, H. K.
Forbes, W.	Smyth, J. G.
Fox, S. W. L.	Smollett, A.
Fuller, A. E.	Somerset, Capt.
Gaskell, J. M.	Sotheron, T. H. S.
Gladstone, rt. hon. W. E.	Spooner, R.
Gordon, Adm.	Stafford, A.
Granby, Marq. of	Stanley, E.
Greenall, G.	Verney, Sir W.
Greene, T.	Villiers, hon. F. W. C.
Hamilton, G. A.	Vyse, R. H. R. II.
Hamilton, Lord C.	Waddington, H. S.
Houldsworth, T.	Welby, G. E.
Hughes, W. B.	Whitmore, T. C.
Jocelyn, Visct.	Wodehouse, E.
Jolliffe, Sir W. G. H.	Wortley, rt. hon. J. S.
Jones, Capt.	Young, Sir J.
Lacy, H. C.	
Lockhart, A. E.	TELLERS.
Lockhart, W.	Clerk, Sir G.
Lowther, hon. Col.	Mackenzie, W. F.

Words added; Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

FRIENDLY SOCIETIES.

Order for Second Reading read.

MR. SOTHERON, in moving the Second Reading of this Bill said, he characterised it as of great importance to the working classes of this country. The very large proportion of the adult male population above twenty years of age, who were enrolled in one or another of these societies, was not generally known, and if the House would permit him to read a statement which he held in his hand, the importance of the matter would become more apparent. The number of Friendly Societies enrolled and registered under Act of Parliament in England, amounted to nearly 14,000; the num-

ber of members of those societies was 1,600,000; their annual income amounted to 2,800,000*l.*, and their accumulated capital to 6,400,000*l.* The total number of societies in England, Scotland, Wales, and Ireland, was 33,000, and the number of members 3,052,000. The total number of societies in England, Wales, Scotland, and Ireland, was not less than 33,232, and the aggregate of members which they included amounted to 3,032,000. The annual revenue of these societies was 4,980,000*l.*, and the accumulated capital from the savings of these poor persons, was no less a sum than 11,360,000*l.* According to the last census, the male population of the country above the age of 20 years, was only 6,300,000. It followed, therefore, that one out of two of the male population, according to these returns, was either enrolled or in some way or other interested in benefit and friendly societies. The subject, therefore, was one of great interest and importance to this numerous class. The Bill embodied two important points. It embodied and consolidated the existing law relative to enrolled Friendly Societies; and it gave legal protection to that very large mass of societies which, at the present moment, justly complained they were not allowed the common privilege of Englishmen, namely, that, if cheated or ill-treated, they might appeal to the laws of their country for protection and redress. He asked the House to give to these societies no privilege but that which the Committee of last Session, after full inquiry, said they ought to have. He only asked the House to give them a legal character, so that when they went into a court of law for their own protection, they might not be met, as hitherto, by the question, "Are you enrolled or are you not?" At present they were obliged to say, in answer to this question, "We are not enrolled;" so that, however strong might be the opinion of the judge or the magistrate that morally the decision ought to be in their favour, the answer to this question was fatal to their rights. The practical result of this state of things was that every year, especially among the Odd Fellows and others, thousands were lost to these associations from their want of a legal character. It was proposed in the Bill that unenrolled societies should go through the same process, as a means of security, that all other societies of the same description were required to undergo. They would by required to send to the registrar copies of

their rules, returns of their numbers, with other information; but the Bill would not require, as in the case of enrolled societies, that their tables should be certified by an actuary. He proposed that for the registration the main body should pay the customary fee of one guinea, but that in the case of the branches the fee should be only 2s. 6d., and these provisionally certified societies would be required to appoint trustees, in whom their property would be vested; an officer, whose business it would be to keep the accounts; and a board or committee of management. On the other hand, he proposed to give to such provisionally certified societies the privilege which, for many years, had been conceded to Freemasons, namely, that although they used secret signs, and were divided into branches, the provisions of the Corresponding Societies Act should not be applicable to them so long as they were duly enrolled and certified by the registrar. He did not think that Parliament, in its wisdom, would hesitate to grant this simple privilege to so large a portion of Her Majesty's subjects. The Bill also extended to burial societies, altering the provisions of the 9th and 10th Victoria so as to require the certificate of the surgeon and coroner as to the cause of death, instead of the certificate of the surgeon and a householder. He required, moreover, an attestation that the whole of the money had been expended in the burial, and that no child should be entered under the age of 10 years, instead of 6 years, as by the present law. He believed that these provisions would afford sufficient guarantees against the abuse to which these societies had been subjected. He might, in the next place, be asked what guarantee was afforded by the Bill that it would not be used for the support of a vast number of unsound, bankrupt, and objectionable societies. That was a reasonable question, and he was happy to say he was prepared with a satisfactory answer. It was, that the Bill required, in return for the advantages it gave, the great security given by publicity. Every society, whether certified absolutely or provisionally, would be required to furnish an annual balance-sheet to the registrar. It would be part of the registrar's duty to require and enforce the delivery of these annual balance-sheets, and the registrar would be required to lay them before Parliament every year in such a shape that hon. Gentlemen could immediately see the nature of the transactions of every

society in the kingdom during the preceding twelve months. He considered that the publicity thus secured would be an effectual check upon malversation, maladministration, and abuse. On the whole, he believed the House would concur with him, that a measure founded upon the principles he had indicated, would be the means of placing these institutions, which were so beneficial to the working classes, upon a sound and healthy basis. He was not aware of any intention to object to the second reading of the Bill; but a number of suggestions had been made for the improvement of the details, which were worthy of consideration. If, therefore, the Bill was read the second time, he would take the earliest possible opportunity of moving its committal *pro formâ*, in order that amendments might be introduced into it; and that, when next discussed, it might appear in more perfect shape, though, at the same time, he was far from admitting it required any very great improvement.

Motion made, and Question proposed, "That the Bill be now read the Second Time."

MR. COCKBURN seconded the Motion. The objects of the societies with which the Bill was associated were most excellent and beneficial, inasmuch as they provided assistance in case of sickness and death; and they had, indirectly, the merit of encouraging habits of prudence, economy, and forethought. But in the present state of the law, whilst exposed to fraud and injustice, they had not the means of enforcing their rights. This measure secured those rights. For that reason he hoped the House would consent to the second reading. The details, he admitted, were capable of considerable improvement; but it was quite clear that a measure founded upon such principles would tend to develop those prudential virtues, which were essential to the welfare, comfort, and happiness of the working classes.

MR. ROEBUCK said, he should not object to the second reading of the Bill; but, having regard to the morals and well-being of the population, he thought a subject of so much importance to the largest class in the community ought to have been introduced upon the responsibility of Government. There was a great deal of insecurity and uncertainty with regard to all measures of a general nature brought in by private Members; whilst nothing could be more mischievous than to permit

a state of doubt and expectation as to changes in the law. It was the duty of the House to see that the Government should undertake to make a distinct consolidation of the law relating to societies of this description, so that when it was settled, it might be settled once for all, in order to prevent doubts in the minds of the labouring population on these subjects. He approved generally of the objects of the Bill. But he must say that benefit societies had been taken advantage of by the rich, who had converted them into means of assurance and profit. The Bill provided against this abuse. In the case of savings banks the Government had undertaken to pay interest upon the large sums of money invested in those institutions—more than the current rate of interest, and they, in consequence, had been taken advantage of by the rich. It was a disgrace to the wealthier classes of the community that Parliament should thus be obliged to hunt them out for having availed themselves of benefits which were intended only for the poor. The hon. Gentleman had in his Bill most completely provided against this abuse. Still, being a private Member, he could not deal with the subject so efficiently as the Government, because the question was not one for a private Member. It was rather a question for the whole House, acting through the Administration; and, therefore, he asked the Government to take it into their own hands.

MR. P. SCROPE rose to call attention to one point which had not been referred to by the hon. Mover of the Bill, namely, the want of security for those who invested their savings in these friendly societies. The guarantee the hon. Gentleman proposed was publicity. He (Mr. Scrope) doubted whether that would be effectual. The object of these societies was twofold—one present, or nearly so; the other deferred. First, they afforded the means of making provision for sickness; and secondly, of providing annuities in old age, assurances in case of death, and provision for children—these latter benefits not falling due until probably twenty or thirty years from the commencement of the process of investment. Unless some security were afforded that the objects of such investments should be fulfilled, these societies became mere traps to the poor—an evil which it was the duty of Parliament to remedy. The hon. Gentleman did not propose to require the certificate of an

actuary as to the correctness of the calculations of societies applying to be registered; and the result of this omission, he feared, would be to encourage the operation of societies founded on false tables and unsound calculations. He suggested that the hon. Gentleman should postpone his Bill until they saw the fate of the Savings Banks Bill, which ought to be the basis of any new Friendly Societies Bill.

THE CHANCELLOR OF THE EXCHEQUER could not agree with the hon. and learned Member for Sheffield that the Government ought to take this Bill out of the hands of his hon. Friend the Member for North Wiltshire, who had paid much attention to the subject, and deserved the thanks of the House on that account. Nor did he agree with the hon. and learned Gentleman that it was the duty of the Government to undertake the management of all Bills on important subjects which might be introduced; on the contrary, he thought it more desirable that those independent Members who had experience on particular questions, and leisure to attend to them, should be allowed to give the House the benefit of their knowledge by introducing such measures as they might consider necessary in regard to them, leaving it to the Government to examine them, and propose such amendments as they might consider necessary. The Government did not underrate the importance of this subject, nor the difficulty of legislating on it; but to adopt the suggestions of the hon. and learned Member for Sheffield, and secure all those persons who invested their money in these societies, was impossible. Many of them were enrolled, but a vast number were not; and without an interference on the part of the Government which would create alarm, and which in this country would never be tolerated, it would be impossible for the Government to guard against fraud in every case. If the principle of self-government were retained, the risk to a certain degree must remain with the depositors. It was true, as the hon. and learned Member had stated, that in many cases parties for whose benefit these societies were never intended, had availed themselves of them in lieu of mortgages, bonds, and assurances, in consequence of the high rate of interest they afforded. The object of the Legislature in regard to these societies undoubtedly was, that they should be for the benefit of the poorer classes only, to encourage in them

habits of economy and prudence; and it was a perversion of the intentions of Parliament that persons in the higher ranks of life should avail themselves of the advantages which they afforded, and thus contribute to entail a loss upon the country. But these questions would arise more properly in discussing the clauses of the Bill; therefore he recommended, as the better course, that the House should assent to the second reading, and postpone the discussion of these matters of detail until the Committee.

MR. SLANEY thought it would be proper to consider in Committee whether the scope of the Bill was sufficiently extensive, and whether it would effect all the objects embraced in the former Bill. It would be well to give the working classes the means of insuring themselves against the want of employment, caused by the fluctuations of trade or the seasons, out of the produce of their own labour during the period for which they were employed. Some remedy against fraud or speculation on the part of Members should also be given, and the societies should be enabled to enforce their rules, without the necessity of going into a court of law.

MR. ADDERLEY begged to inform the hon. Member that the objects to which he alluded were provided for by the Bill before the House. Knowing the immense importance of this measure, he was happy to find that the feeling of the House was unanimous in its favour. With respect to an efficient guarantee, it had been the great object and the great difficulty of the framers of this Bill. The fact was, that the guarantee of publicity was the only one which any one had yet been able to suggest.

Bill read 2^o, and committed for Monday next.

The House adjourned at a Quarter before Six o'clock.

HOUSE OF COMMONS,

Thursday, June 20, 1850.

MINUTES.] PUBLIC BILLS.—2^a Mercantile Marine (No. 2); Population (Ireland); Court of Exchequer (Ireland); Court of Chancery (County Palatine of Lancaster); Engines for taking Fish (Ireland).

3^a Metropolitan Interments; Factories; Borough Courts of Record (Ireland); Turnpike Roads (Ireland); County Court Extension.

AFFAIRS OF GREECE—DEFEAT OF THE MINISTRY IN THE HOUSE OF LORDS.

MR. ROEBUCK: Sir, the notice which I have put on the paper must have sufficiently conveyed to the mind of the noble Lord at the head of Her Majesty's Government the nature of the question which I now intend to put to him. I wish, Sir, to ask the noble Lord whether the Government have decided upon adopting any especial course of conduct in consequence of the resolution come to in the House of Lords on Monday last?

LORD J. RUSSELL: Sir, if the House will allow me, in consequence of the question which the hon. and learned Gentleman has put to me, I will make a statement in reply to that question. I find, on consulting the Minutes of the House of Lords, that what has taken place in that House is this: that it was moved to resolve—

"That while this House fully recognises the Right and Duty of the Government to secure to Her Majesty's Subjects residing in Foreign States the full Protection of the Laws of those States, it regrets to find, by the Correspondence recently laid upon the Table by Her Majesty's Command, that various Claims against the Greek Government, doubtful in point of Justice, or exaggerated in Amount, have been enforced by coercive Measures directed against the Commerce and People of Greece, and calculated to endanger the Continuance of our friendly Relations with other Powers."

And, after a long debate, on the resolution being put, it was resolved in the affirmative. Now the House will perceive that the resolution which I have just read begins with a general proposition with respect to the right and the duty of the Government. It affirms that it is the right and the duty of the Government to secure to Her Majesty's subjects residing in foreign States the full protection of the laws of those States. Now, Sir, I cannot consent so to limit the right and the duty of the Government of this country. I think, taking these words as being a definition of the right and the duty of the Government of this country, it would imply that any State, however despotic, might make any laws, however unjust and oppressive, and that they might be executed by the most corrupt instruments, and that the Government of this country have no right or duty to make any remonstrance or interference against such execution of these laws. Now, Sir, that is not the way in which the law of nations has ever been put in practice by any of the great nations of Europe, and I may say still less by the United States of

America. They have all felt themselves bound to—

MR. DISRAELI : Mr. Speaker, I rise to order, and I feel the deepest regret to have to interrupt the communications which the noble Lord feels it his duty to make to the House, in consequence of the question put to him by the hon. and learned Gentleman the Member for Sheffield. But I will appeal to the House. A question has been asked of the noble Lord, of a very simple character; and, Sir, the noble Lord, in giving his answer to that question, feels it necessary to enter into certain details connected with that question to which the House would listen, not merely from the importance of the subject, but from the position of the noble Lord, with the greatest attention and indulgence. But I put it to the House, whether the noble Lord, instead of giving an answer to the hon. and learned Gentleman, is not, on the contrary, entering into a discussion of the proceedings of the House of Lords—these proceedings being a resolution in consequence of a debate on a subject no doubt of the greatest interest and importance. I can assure the noble Lord—I believe I may say for every Gentleman on these (the Protectionist) benches—that we have not the slightest wish to evade or prevent any discussion in this House on this important subject; and if the noble Lord wishes a discussion to take place upon it, the noble Lord, as the head of the Government, has so completely under his control the time of this House, that he can easily fix upon a fair and fitting opportunity for such a discussion. And when I say that on this side of the House there is no disposition to evade or prevent the discussion—*[Loud cries of "Order, order!" from the Liberal Benches.]* I apprehend, Sir, I am strictly in order; I only wish to assure the noble Lord that when I said there was no disposition on this side to evade or prevent the discussion, I think it must be the general feeling of this House that the discussion should be full, fair, and deliberate; and I put it to the noble Lord himself, whether it is fair to the House that the discussion should come on in this sudden manner—is it likely to be a full, fair, and deliberate discussion? I put it, therefore, to the noble Lord whether, instead of discussing the merits of this important question now, he ought not to content himself with giving a plain answer to the plain question that has been addressed to him.

Lord J. RUSSELL resumed: The

question that has been put to me is certainly a short and simple one, but it is a very general one. It is, whether the Government will adopt any especial course of conduct in consequence of the resolution come to in another place on Monday last? Now, I must either make a statement with respect to the course of conduct we intend to pursue, and explain that conduct, or I must remain altogether silent. If you decide, Sir, that I am not to proceed, I shall at once bow to that decision; if, on the contrary, you decide otherwise, I shall go on. Sir, I have stated sufficiently the ground why I think it is impossible for Her Majesty's Government to carry into effect, according to their own sense of duty, the first part of the resolution which has been carried in the House of Lords, and which I have read to this House. But the latter part of the resolution, which I likewise read, conveys a vote of censure on the Government for the conduct they have recently pursued with respect to the affairs of Greece. Now, Sir, I am certainly not going to argue that question in any manner. But I must say this, that we are not going in any respect to alter the course of conduct that we have thought it right to pursue with respect to foreign Powers in consequence of that resolution. Now, Sir, if the House will permit me, I will go on; and I will say that there is another question which might fairly be in the contemplation of hon. Members, and that is, whether the Government, thus dissenting from the general rule with respect to the law of nations that has been laid down by the House of Lords, and refusing to conduct itself according to the resolution which that Assembly has carried, it is not their duty to resign the Government into the hands of those who would act upon that resolution? Sir, a question of this kind naturally induces me to recur to different occasions when similar resolutions, in spirit at least, have been carried. One hundred and forty years ago the House of Lords came to a resolution that it would not be consistent with the safety and the honour of this country to make any peace with France which should leave Spain and the Indies in the possession of any branch of the house of Bourbon. The Executive Government, in spite of that address of the House of Lords, which was carried on a division, proceeded to make a treaty with France; and that treaty left Spain and the Indies in the possession of a branch of the

House of Bourbon. Not many years ago, in the month of June 1833, no less a person than the Duke of Wellington moved an Address to the Crown on the subject of the foreign policy of this country as regarded Portugal. Earl Grey, in replying to the Motion that was then made, is reported to have declared that he should consider that Address as a vote of censure, and as a stigma upon the Government. That resolution and Address, on a division, were carried. Earl Grey continued in the execution of the policy that he had previously adopted; and my noble Friend near me declared, in this House, that he should not swerve from the policy that had been pursued. Sir, I believe that that conduct of the Executive Government in these two cases was according to the constitution of this country. And I believe that a change of Government resulting from a resolution of the House of Lords with respect to the conduct of the Executive Government of this country would be contrary to the constitution of this country, and that, while it might cause great confusion in the State, it would be to none so dangerous as to the House of Lords. I believe that, placing upon the House of Lords the weight and responsibility of controlling the Executive Government of this country, would soon put the House of Lords in a position which they have never hitherto occupied, and which they could not safely maintain. Sir, if these are my opinions, then I could not consent to surrender the reins of power in consequence of the resolution which has been arrived at by the House of Lords. At the same time, I will not deny that that resolution, carried, as it has been, is a matter of very great importance. I will not deny that it deeply affects the conduct of foreign Powers in their relations with the Government of this country. But, Sir, the remedy, I should have thought, were it not for other circumstances, would no doubt have been easy and obvious. The hon. Gentleman the Member for Buckinghamshire is himself in close political and party connexion with the noble Lord, who is reported to have made this Motion in the other House of Parliament. If he had given notice of the same Motion in this House, the House would then have decided on the merits of that Motion; and if this House had agreed with the House of Lords, there could have been no doubt or hesitation as to the course which Her Majesty's Government would pursue. But, Sir, there is a fair and honourable inter-

pretation of the conduct of the hon. Gentleman and those who act with him; if they had believed in the soundness and the policy of the resolution that I have read, they would no doubt have found it their duty to bring forward that resolution in this House, in which, besides its being the House where all administration of the Crown is controlled and advised, there is this obvious advantage, that in this House sits the Minister who is charged with the affairs of that department. But, Sir, as I have said, there is an honourable explanation of such conduct, and such explanation no doubt is, that those who share the general political opinions of the noble Lord whom I have mentioned, do not share in the views he has taken with regard to the affairs of Greece. I say, if they had agreed with him, there would have been no excuse for not allowing my noble Friend to make in this House a defence; but if that be the case, I can only say we shall continue in the course we have hitherto followed with respect to our foreign policy. If the hon. and learned Gentleman, as he has intimated, wishes to make any Motion on the subject, he shall have the earliest possible opportunity the Government can give for that purpose. But, Sir, so long as we continue the government of this country, I can answer for my noble Friend that he will act not as the Minister of Austria, or as the Minister of Russia, or of France, or of any other country, but as the Minister of England. The honour of England, and the interests of England, are the matters within our keeping; and to those interests, and to that honour, our conduct in future will be—as hitherto—it has been—devoted.

MR. DISRAELI: Sir, as there is no question before the House, I wish to know if it will permit me to make an observation on the personal remarks of the noble Lord. The noble Lord has insinuated that no Motion has been brought forward by myself, or by any of the Gentlemen in this House with whom I have the honour to act, on the question that recently engaged the attention of the House of Lords, because we have no confidence in the case we could present to the House, and because the noble Lord in whose department the affairs are particularly administered is here present to defend himself; but I beg to remind the noble Lord of the reason the question was not brought forward here, and of the reception we should have met, if notice to that effect had been given.

We should have been told, as others have been told, that negotiations were pending, and any discussion would be deprecated. Why, Sir, in another place that deprecation was made by Her Majesty's Ministers. Her Majesty's Ministers cannot sing one song in another place, and a different song in this place. If discussion was deprecated in the House of Lords because negotiations were pending, the same objection would have been made if the question was mooted in this House. I beg to inform the noble Lord, in consequence of the statement he has made, that he is imperfectly informed as to the relations subsisting between the noble Lord who brought forward the Motion in the House of Lords and myself, and the Gentlemen who act with me in this House, in supposing that there is any want of sympathy on our part with him, or any want of agreement between us on this important subject. And though the noble Lord at the head of the Government will not come forward to ask the verdict of this House, but has conveniently thrown out a hint, and obtained an obvious and offered machinery to assist him, I assure the noble Lord that when the occasion is really offered to us, I shall be prepared to uphold, as far as lies in my power, the decision of the House of Lords.

MR. ROEBUCK: Sir, I hope the House will allow me to say a few words. I agree in part, but not in the entire, of the constitutional doctrine laid down by the noble Lord. I shall propose a resolution To-morrow, according to the terms in which the noble Lord has expressed himself, because, to my mind, the noble Lord has only stated one-half of what the Government should do. I agree with him that a mere resolution of the House of Lords is not of itself sufficient to cause an alteration of the Government; but I think it is important in our doubly-chambered legislation that both should act, if possible, in accordance; or, if not, that there should be a complete understanding in the public mind wherein disagreement does exist; and any Administration that has been thus censured by the House of Lords is bound not to shrink from an appeal to the House of Commons; and if the appeal, when made, be not successful, then the path is clear before the Administration. Because I believe the Administration is entirely crippled as it now stands, and that the dignity of England cannot be maintained in the present condition of Her Majesty's servants, I will learn what is the feeling of

the House of Commons. As I agree in the policy which has been laid down by the noble Lord at the head of Foreign Affairs in this country, I will test the opinion of the House. We will see if we can find a verdict of this House in his favour, and leave it clearly and distinctly for the world to know if Her Majesty's Government has the confidence of the people of England. I beg to give notice that I shall move the following resolution To-morrow:—

"That the principles which hitherto have regulated the foreign policy of Her Majesty's Government are such as were required to preserve untarnished the honour and dignity of this country, and in times of unexampled difficulty the best qualified to maintain peace between England and the various nations of the world."

LORD J. RUSSELL: In conformity with what I have said—though we gave notice for supply To-morrow—I shall willingly waive all Orders of the Day, that the hon. and learned Gentleman may bring forward his Motion.

MR. DISRAELI: As the question is of importance, I think Monday should be the day. I am sure the noble Lord does not wish to take the House and the country by surprise.

LORD J. RUSSELL: I only meant to say that it is my wish that the Motion should come on at the earliest possible time. I have no wish to take the House by surprise, and if the hon. and learned Gentleman will put the Motion on the paper for Monday, I shall not object.

MR. ROEBUCK: As far as I am concerned, my only desire is, that the subject should have a perfectly fair discussion; and I think it due to the House at once to say, that I shall be ready to proceed on Monday or To-morrow.

SIR H. INGLIS: I wish to know whether the hon. and learned Gentleman will bring forward his Motion on Monday or not?

It was then intimated that the Motion was fixed for Monday.

MERCANTILE MARINE (No. 2) BILL.

Order for Second Reading read.

MR. LABOUCHERE said, he then proposed most earnestly, and with great confidence, to ask the House to agree to the second reading of this Bill. He was well aware that the subject to which it related did not possess any of that interest which belonged to topics connected with party struggles and party passions; but

he would venture to say that no subject could be brought before the House of greater consequence to one of the most important interests in this country. He should state, in the first place, what were the alterations which he purposed to make in the Bill, as it had been printed and laid before the House. He begged the House to do him the favour to recollect that he had always stated, with regard to that measure, that, while he should adhere to its essential principles, he should be ready to give his best consideration to any suggestions that might be offered to him on the part of the shipping interest with respect to the mode in which those principles were to be carried into effect; and that he should rejoice if he could see his way to the accomplishment of the great objects he had in view, by means which would carry with them the support and consent of the great body of the shipowners of this country. He was at that moment in a condition confidently to assure the House that the measure which he proposed that they should then read a second time, was not only brought forward by the Government with a deep conviction of its utility and necessity, but that it also had the warm and zealous support of the great body of the shipping interest. He was entitled to say that, from assurances which he had received, and especially within the last few days—and if he overstated those assurances, he was speaking in the presence of the Members who represented the great seaports of the country, who would be able to correct his mis-statements—he said confidently that that measure, not only in its objects, but in the manner in which those objects were to be carried into effect, had the cordial approbation—he did not say on every point of detail, but in all its main provisions—of the great shipping interest of this country. He might state, in particular, that representations to that effect had been made to him by the Chamber of Commerce of Liverpool, and by the Shipowners' Association of Liverpool—bodies which, he believed, represented the whole of the shipping interest of that great port, and which had, he believed, unanimously resolved on asking the House to agree to the second reading of the Bill, while they thought that any objections they might have to its details ought to be reserved for the consideration of the House in Committee. He might also state that he held in his hand a printed copy of a petition presented to that House by the shipowners of

Glasgow, in which he found the following passage:—

"Your petitioners have given the Bill as amended a very careful consideration, and having reason to believe that the measure will be acceptable to the shipping interest of Great Britain, they would take the present opportunity of expressing their own conviction that the amended Bill, with certain alterations and improvements which are to be proposed in Committee by the President of the Board of Trade, will, if passed into law, be found of the greatest value to the mercantile marine of this country, and will remove any abuses and grievances to which it is subjected under the existing Acts."

He might quote similar statements from other ports; but he trusted he had said enough to satisfy the House that it was not on light grounds that he asked them that night to give to the measure so far their sanction as to agree to its second reading, reserving the discussion of its details until the fitting opportunity in Committee. He implored the House not to listen to the suggestions of those who asked them to postpone at that moment the second reading of the Bill. He owned that at the present period of the Session he should greatly apprehend that such a proceeding would amount to its entire defeat and postponement—a result which he, for one, confessed, after all that had taken place upon the subject, and after the conferences between Her Majesty's Government and the shipping interest, he should consider a very real and grievous misfortune to that important interest. He had said that he had from the beginning been perfectly ready to listen to any suggestions for altering the details of the measure. One of its principal provisions was that which would establish a system of compulsory examination of masters and mates in the merchant service, and would provide that which he held to be an object of the greatest importance, the power of cashiering a master or mate for incapacity or delinquency proved before a competent tribunal. That was the first great principle embodied in the Bill. The second was that which would put a stop to that system of "crimpage," which brutified and oppressed the seafaring population of this country, and which did not prevail in a similar degree in any other country in the world. With a view to put a stop to that system, the Bill would provide for the establishment of responsible public officers who would undertake the duty of engaging crews and of dismissing crews on the return of a vessel from its voyage. That was the second great object of the Bill.

The third was to be found in those provisions which were directed to the important purposes of improving the discipline of our merchant navy, of putting a stop to that desertion which prevailed to so great an extent in the merchant service, and of tightening the reins of discipline, which he held to be an object not less important for the welfare of the sailor than for the protection of the rights of the shipowner. Those were the great objects of the Bill; and he asserted, without fear of contradiction, that the great body of the shipping interest not only approved of those objects, but believed that the proposed mode of carrying them into effect would be unobjectionable. With respect to the recent alterations in the Bill, he should observe that he was far from denying that those alterations were of very great importance; but he thought at the same time that they were by no means of that complicated nature which hon. Gentlemen opposite seemed to suppose. He could assure hon. Gentlemen that a very few and simple clauses would enable him to effect those alterations; and he felt convinced that the introduction of those clauses afforded no reason for postponing the second reading of the Bill. He should proceed to state what those alterations were. He found that the principal objection entertained to the measure, and especially in the great outports, was, that it would enforce a system of excessive centralisation, and would bring the shipping interest too much under the control of the Board of Trade sitting in London. Now, he had felt that to be a question of great difficulty. He had no abstract reverence for a system of centralisation upon that or upon any other subject; on the contrary, he was anxious to avoid it as much as possible; and still less was he anxious for the patronage which the Bill would vest in the Board of Trade. He believed the shipping-masters would have a most difficult duty to discharge; and he should be most happy to get rid of the appointment of those officers, if he thought he could do so without leaving local bodies destitute of any proper check, and without allowing them to become centres of abuse and agitation. He thought that after a good deal of discussion with parties interested in the matter, he had fallen on a plan which would prevent any system of undue centralisation, and would at the same time ensure an effectual check against local abuses. He proposed to institute local marine

boards in all the ports having more than 30,000 registered tons of shipping engaged in the foreign trade; and he further proposed that each of those local boards should be composed of twelve members, six of whom should be elected by the shipowners of the port, each shipowner having 500 tons of foreign shipping, and no shipowner to have more than a certain number of votes; four out of the resident shipowners of the port to be nominated by the Board of Trade, together with the mayor, or provost, as the case might be, and the stipendiary magistrate, to make up the board of twelve. He proposed that those local boards should carry on a good deal of the business and regulate many of the appointments which had before been entrusted to the Board of Trade. He proposed that those boards should have a concurrent power with the Board of Trade of appointing examiners, while the Board of Trade should have the right of fixing the plan of examination, and of assisting by its officers at the examinations. The next point to which he should advert was the appointment of shipping officers. He believed there would be no danger in allowing the local boards to nominate shipping officers, and in making the necessary arrangements for the establishment of shipping offices. It had been represented to him, and with great force, as he thought, that those officers would be placed in a very difficult and embarrassing position unless they could preserve the most cordial good understanding with the shipowners. He would, therefore, give the local boards the power of nominating the shipping officers; but he would take a precaution against any abuse of that concession by requiring that no salary could be given to those officers without the express sanction of the Board of Trade, which would be responsible for the expense of that portion of the proposed system. He would also give the local boards a concurrent power with the Board of Trade of instituting investigations into the conduct of all masters of ships against whom there was *prima facie* evidence that they had abused their powers. With regard to the other alterations in the Bill, he should observe that there were only two of them of the slightest consequence; and those two were so simple that the House could at once understand their bearing. He had made up his mind that it was desirable for the present not to include the coasting trade in the operation of the measure; so

that the captains or masters engaged in that trade would not be compelled to pass any examination previously to their obtaining the command of a vessel. It might be found proper hereafter to include the coasting trade in the operation of the measure; but he repeated that he did not think it would at present be desirable to introduce into it a provision to that effect. He did not intend now to propose two classes of certificates, but only one. It had been represented to him by the shipping interest that there would be some danger—that sufficient confidence would not be felt by the sailors in a captain with a second-class certificate, and, therefore, he thought it desirable to abandon the distinction. On the other hand, however, he intended to reserve the power, if any captain should display extraordinary merit, to endorse some record of his proficiency on his certificate, and if after a certain number of years he should return to the examiners and desire again to be examined, it would be fair to grant him a certificate of a higher class. To that arrangement he did not anticipate any objection. He admitted that the alterations made were important; but he still trusted that so important a measure, which was so much looked up to by the merchant navy, would not on this account be postponed till another Session. He believed it was the intention of the hon. Member for Dartmouth to move that the Bill should be read a second time that day six months; and he therefore thought he should adopt the best course if he reserved what he had to say on the principle of the measure till he had heard the objections which would be urged against it. He sincerely hoped he should not be met with the objection that all further proceedings ought to be postponed until the Bill had been printed, so that hon. Members might be able to see the provisions, the general scope of which he had attempted to describe. He trusted also that they would dismiss all party feeling with reference to this question. For his own part he could say, that from the moment when he had approached the subject, he had thrown open the doors of the Board of Trade to all shipowners, to whatever party they might belong, who came to give advice and assistance. He had, moreover, been in communication for the last three months with various seaports, and the result was, that he could confidently state to the House that the measure, such as he should lay on the table for the consideration of the Com-

mittee, would receive the cordial assent and concurrence of the immense majority of the shipping interest.

Motion made, and Question proposed, “That the Bill be now read a Second Time.”

MR. HUME agreed with the right hon. Gentleman that our maritime law was in a confused and highly unsatisfactory state. A meeting of delegates from shipowners in various parts of the united kingdom was held in London on the 17th April, and they agreed that it was highly important that an inquiry should be made into our maritime laws, with a view to their consolidation and amendment, as far as practicable. Last year the right hon. Gentleman promised to introduce a Bill, full and comprehensive, and affording relief to the shipping interest, and a Bill was laid on the table in the course of February this year, and the meeting he had alluded to was convened to consider what course they should adopt. The House would, perhaps, be astonished to learn that on the very day on which that meeting was held, the right hon. Gentleman gave no notice to the House, but published a letter, stating that he was about to alter nineteen clauses. He had read the various clauses, and they made such an alteration that it was quite impossible to proceed with that Bill. The right hon. Gentleman was evidently of the same opinion, for he withdrew his Bill and brought in another Bill; but up to last night, or up to forty-eight hours ago, the association appointed in London to watch this Bill, and to communicate with the right hon. Gentleman, were not acquainted with any alteration intended in this Bill. A deputation, however, from Liverpool, as he was informed, waited on the right hon. Gentleman, unauthorised by the great public meeting he (Mr. Hume) had spoken of, where Liverpool was represented, and made suggestions. The right hon. Gentleman said the Shipowners' Association and the Chamber of Commerce concurred in the Bill. He (Mr. Hume) was informed that the association did not concur.

MR. LABOUCHERE said, that he was informed the chairman and the secretary stated that they approved of the Bill.

MR. HUME: That morning, for the first time, the Bill had appeared with thirteen new clauses. Some of them removed the general superintendence, and gave local superintendence. There were various other enactments of vast importance; and he put it to the House whether

these alterations ought not to have been in the usual way printed and sent to every Member? It was quite possible that so many new enactments might be put into this Bill, as to make it desirable to delay it for a few months. Therefore, without condemning the new clauses, for he had not read them, he would move that this debate be adjourned till Friday next.

Motion made, and Question proposed, "That the debate be now adjourned."

ADMIRAL BOWLES hoped that the hon. Member for Montrose would not persevere in his Motion, as, from his (Admiral Bowles's) experience, he could assure the House that, although reforms had for a long time been urgently required in the mercantile marine of the country, still the increased competition with other countries, consequent upon the repeal of the navigation laws, had rendered it still more necessary to take some speedy and effectual steps for raising the character of the merchant service of the country; and he would most cordially give his support to the measure introduced by the right hon. the President of the Board of Trade.

MR. HERRIES said, the speech of the right hon. President of the Board of Trade was a speech on bringing in a Bill. The printed paper before them now was, by the confession of the right hon. Gentleman, not the Bill upon the consideration of which they were invited to enter. It was against the great and manifest irregularity of that proceeding that he ventured to protest in the strongest degree. The right hon. Gentleman was much mistaken if he supposed that his (Mr. Herries') object in rising was to create obstruction or opposition to the principle of the measure. He admitted the vast importance of every enactment which the wisdom of Government could possibly suggest for the purpose of improving the character of our mercantile marine. But let that be done in conformity with the usual and constitutional mode of proceeding. Let the Bill be produced in the form in which it is now proposed to submit it to the consideration of the House. The Government finding that the first measure did not answer all the objects which they had in view, with great propriety withdrew it and substituted another, called No. 2. Now, he really thought the last alterations as important as the former, and therefore could not see why the right hon. Gentleman did not withdraw No. 2, and propose Bill No. 3. He admitted the difficulty created by the late period of the

Session; but that difficulty might have been avoided if the proposed Amendments had been printed and circulated. Hon. Members would then have come prepared with some knowledge of the subject before they proceeded to speak and vote. From what he had gathered, the right hon. Gentleman appeared to have made but partial communications of his intentions. He had only communicated them to certain traders, and those not of the highest importance, and then the right hon. Gentleman came down and told them that the measure had the almost universal consent of the mercantile body. The right hon. Gentleman said it had the assent of the Chamber of Commerce at Liverpool, and he believed of the shipowners of that town; but, if he was rightly informed, there was some doubt about that. Although there might have been some communications with some shipowners and the Chamber of Commerce, if he was rightly informed, no direct assent had been given by the shipowning interest of Liverpool. With Glasgow and Sunderland the right hon. Gentleman had had communications; but he begged to ask him whether he had communicated with the same openness, frankness, and success with the Committee of Shipowners in the City of London—not of the City of London, but in London—representing, as they did, the shipowners of the United Kingdom? Had that committee assented to these alterations? He apprehended he might say they had not. He did not present the petition which he had had the honour of laying before them that evening until some one connected with that body had assured him that they had not had such communications with the right hon. Gentleman as they might have justly expected. Great confusion was sometimes fallen into in speaking of the principle of this Bill. The intentions which prompted the introduction of a measure, were not always identical with the principles involved in it. A Bill might be proposed with the best intentions, but still an attempt might be made to carry them out by unconstitutional enactments. It was not against the objects of this Bill that he protested, but against the irregularity of calling on the House to discuss a measure which, in fact, was not before them. It would have been much better to have withdrawn the Bill, and proposed another. If, however, they should decide upon reading the Bill a second time, notwithstanding the irregularity, he suggested that it should

be reprinted, and ample time given between the reprinting and the proposal to go into Committee to enable hon. Members to understand it; and that, when the Motion should be made for the Speaker to leave the chair, hon. Members should be at full liberty to discuss the principle of the Bill—by which he meant the mode by which the intentions of the Government were to be carried into effect. If that were agreed to, he was not prepared to oppose the second reading; because he felt that he should be in the same position on the Motion to go into Committee as he was now.

MR. LABOUCHERE did not agree with the right hon. Gentleman, that there was anything unusual in the course he (Mr. Labouchere) had proposed. It was true some alterations of considerable importance were proposed; but he contended that they did not affect the principle of the Bill, and that there was nothing unparliamentary in his asking the House to allow the Bill to be read a second time, although they were aware of the alterations he intended to propose. He was, however, perfectly willing to accede to the proposal of the right hon. Gentleman the Member for Stamford; and if the Bill were now read a second time, and committed *pro formâ*, sufficient time should be given between the reprinting and going into Committee for the right hon. Member to consider the Bill with the alterations. The right hon. Gentleman had said that his (Mr. Labouchere's) communications with parties had been partial, and that he had not communicated with equal frankness and success with the different shipowning interests. From the beginning he had been anxious to give every explanation to every gentleman who came to the Board of Trade, on this subject, and had always given as willing a reception to those who had disagreed with his opinion as to those who agreed with it; and if he had held more communications with some parties than with others, it had been solely from the circumstance of the greater willingness of some parties to put themselves into communication with the Board of Trade than others, and not from any indisposition on his part. It was quite true the Chamber of Commerce of Liverpool took the greatest interest in the question, and had communicated with him; but as to the shipowners of London, he intended them no discourtesy, and he had every reason to believe they were quite as well aware of the alterations he intended

to propose as the shipowners of Liverpool, for he received from the Shipowners' Society of Liverpool a statement that they had agreed to this Bill with these alterations, and had communicated to the Shipowners' Society of London the reasons that had induced them to take that course. He therefore could not but be sure that the Shipowners' Society of London knew as well as the Shipowners' Society of Liverpool all about this Bill. It was his wish and intention to act with the greatest fairness to all, and when Mr. G. F. Young went to the Board of Trade at the head of the assailants of this measure, he had received him with the same courtesy and kindness as any other gentleman.

MR. CARDWELL said, after the fair proposal made by the right hon. Gentleman the President of the Board of Trade, he should have scarcely thought it necessary to trouble the House, had it not been for the pointed allusions which had been made to the Chamber of Commerce at Liverpool, and the Shipowners' Society. He held in his hand a resolution come to by the Shipowners' Society, in which they said they withdrew their opposition to the second reading, and reserved to themselves the taking whatever course they might think proper in Committee. With regard to the communications which had been made in the early stage of the Bill, the Shipowners' Society of Liverpool entertained the strongest alarm with regard to its provisions; and the right hon. Gentleman the President of the Board of Trade would do him the justice to recollect that both at the end of last Session and the beginning of this, he (Mr. Cardwell) had stated that he would throw no unnecessary impediments in the way, but would be glad to assist in its future adjustment. At the same time he had stated that the Bill contained a great deal to which the mercantile body could not be expected to consent. When the Bill was laid before the public, the shipowners in Liverpool and London took a very strong view; but the mercantile body representing the great community were disposed to take the course of endeavouring to make it satisfactory to all classes, and the result showed that the Shipowners' Society had met them in the most cordial and candid manner. He would point out the differences between the Bill as now modified, and the original Bill. By the original Bill, general powers of regulation were given to the Board of Trade; under the amended

Bill its powers were limited and defined. The fees in the former Bill were in many cases liable to be varied by the Board of Trade; they were now fixed and specified in a schedule. Then as to the examination of the masters, it would be the height of injustice to the shipping interest of this country to suppose for a moment that they were not as anxious as the Government could possibly be, to elevate the condition of masters and mates, and improve the character of the British sailor, by getting rid of all the evils of crimpage. But the original Bill contained provisions placing all the appointments under the Board of Trade. Now, the matter was left to the mercantile body themselves. He could only say, that, as far as they were concerned, it was from no party spirit, nor a spirit of opposition, but with the sincere desire, as shipowners of men of property, to elevate the character of the masters and the men, and provide for the comforts and moral welfare of the British sailor, that they had voluntarily gone to the Board of Trade, and put themselves in communication with that department, not for the furtherance of particular interests, but for the general good. That being so, he should offer no opposition to the second reading.

SIR G. PECHELL supported the Motion for adjournment, and complained of the fashion of committing Bills *pro forma*. He hoped the right hon. President of the Board of Trade would see the expediency of doing something with reference to the dues charged by the ports of Dover and Ramsgate. When the navigation laws were repealed, it was understood that whatever was calculated to fetter trade should be done away with.

VISCOUNT JOCELYN thought it was all very well for the hon. Member for Liverpool, who had seen the new clauses, to say he would offer no opposition to the second reading of the Bill; but it was a different matter with other Members and their constituents, who had not seen the clauses. An examination of the Bill, as altered, might lead one to form a different opinion of the measure.

MR. CLAY thought it but fair that all the important ports of the kingdom should be acquainted with the alterations before the House gave the Bill a second reading. It was now nearly a year ago when the right hon. Gentleman the President of the Board of Trade requested that all hon. Members, especially those who represented

seaports, would give their earnest attention to this subject, and consult their constituents. He (Mr. Clay) accordingly went to the borough which he had the honour of representing; he remained there three weeks, and the result of the communication with his constituents was, that No. 1 Bill would be considered as taking the shipowners' business out of their own hands. The Bill was withdrawn, and another Bill substituted decidedly less objectionable than Bill No. 1. He had a few weeks' discussion about No. 2 Bill; and the result was, that unless important alterations were made, the Bill would be one very dangerous to the shipowner. To him it was a matter of sincere regret that he felt himself bound to oppose the Bill No. 2, as it stood. He earnestly wished that the changes would be such as would reconcile his constituents to the proposed Bill. He thought that if these alterations were known, his constituents might be of opinion that this was a valuable measure, and such as he could support.

MR. MOFFATT had come down to the House to oppose the Bill, of which he held a copy in his hand; but it would be useless to discuss it, because it was not the Bill which Her Majesty's Government proposed to pass. He agreed with the proposition made by the right hon. Member for Stamford, and he trusted that a distant day would be named for the discussion.

LORD J. MANNERS considered that the Amendment of the hon. Member for Montrose was a reasonable one; but if the House would not adopt it, he trusted that they would assent to the course proposed by the right hon. Member for Stamford. He (Lord J. Manners) had himself given notice of a Motion to refer the Bill to a Select Committee; and he hoped that in assenting to the second reading now, he should do nothing to prejudice his right to bring forward that Motion.

MR. REYNOLDS said, the Bill was very unpopular with many of his constituents, who were engaged in the shipping trade. He had that very day received a communication from the chairman of the Dublin Steam Navigation Company against the Bill. Unless the Government consented to the Amendment of the hon. Member for Montrose, he should feel it his duty to oppose the Bill.

MR. FORSTER said, they were now discussing the propriety of postponing the Bill for the present. When he stated that there were no less than 50 clauses altered, 7 struck

out, and 13 new ones added, he would ask whether there was any necessity for saying another word to convince the House of the propriety of postponing the Bill? He found that, of all the shipping towns in the kingdom, Liverpool and Glasgow were the only ones that had given the measure a partial support, while several large and influential ones had expressed an opinion decidedly adverse to it.

MR. ALDERMAN THOMPSON said, the whole commercial marine of that country, the underwriters, and the insurance companies, were impressed with the importance of having some tribunal for the trial of differences arising between masters and seamen; and he hoped no unnecessary delay would be interposed. The proposition of the right hon. Gentleman the President of the Board of Trade appeared to him to be a perfectly fair one; namely, that if the second reading was now permitted, the fullest opportunity would be afforded of discussing the principle of the measure. He contended that there was no ground for further delay; and for his part he did give the measure his support, being satisfied that when the Bill went into Committee they would be able to make all the necessary improvements without referring it to a Select Committee.

MR. HEADLAM regretted that so much of the time of the House had been taken up in discussing the question; but he would remind the House that, considering the exciting subjects that came before it, the postponing the second reading would, in all probability, endanger the passing of the Bill during the present Session. He could assure the House that his constituents were almost unanimously in favour of it; and he trusted that no delay would take place in carrying its provisions into effect.

MR. GLADSTONE, seeing there was so general a concurrence of opinion on one subject, namely, that the House was losing its time, was disposed to make an appeal to the hon. Member for Montrose, as he was the person who seemed to have the power in his hands, if he were disposed to exercise it with clemency, of determining their fate on this occasion. If the hon. Member would withdraw the Amendment, he would be acting in accordance with what appeared to be the opinion of the House, and most for the public convenience. The measure was one on which the right hon. President of the Board of Trade had bestowed infinite pains; after struggling, he hoped successfully, against the

difficulties to be encountered in framing it, the right hon. Gentleman had brought the measure into a shape in which it might command the approbation not only of the public, but of the shipowners; and the hon. Member for Montrose would see that if his Amendment were acceded to, it would be difficult to pass the Bill this Session, while the hon. Gentleman would hardly deny that there was reason for passing some measure of the present description.

MR. HUME replied, that it was with the greatest reluctance he agreed not to divide the House on his Amendment.

Motion, by leave, withdrawn; Main Question put, and agreed to.

Bill read 2^o, and committed.

Considered in Committee, and reported; to be printed as amended; Recommitted for Thursday, 4th July.

METROPOLITAN INTERMENTS BILL.

Bill read 3^o.

On Question that the Bill do pass,

MR. HUME blamed the Government that at a time when they were seeking to abolish sinecures in the Army and Navy, they were about by this Bill to establish eighty-eight sinecures in the Church. Clergymen who did no duty would be paid; but worse than that, clergymen yet unborn would be secured their emoluments in perpetuity. He had risen merely to enter his protest against the Bill; it was not in his power to do more, but he could not sit down without tendering his acknowledgments to the Members for Marylebone for the important alterations they had effected by their persevering attention to the details.

LORD D. STUART wished to make one or two observations previous to the Bill leaving that House. He thought it due to himself to explain why he should not think it his duty to record his vote against the third reading of a measure which he had declared to be so objectionable. He had stated at the commencement of these discussions that he did not object to the principle of the Bill, namely, the abolition of burials in large towns, and therefore he had not opposed the second reading. Pursuing the same course, and having done all he could in Committee to render the Bill as little objectionable as possible, he did not feel justified in detaining the House by any more protracted opposition. He looked upon the measure as an invasion of the constitution, as a violation of the prin-

ciples of political economy, as objectionable in placing in the hands of the Government a vast extent of patronage, both in London and prospectively in the provinces, for this no doubt would be made a model Bill; but still, true to his principle, and looking to the events of last year, with a possibility of their repetition in the present, he should not offer to it any further opposition.

Mr. G. THOMPSON wished to record his protest against many portions of the Bill, and expressed his belief that the Government had taken advantage of the strong feeling against intramural interments to entail upon the country a system of unconstitutional Government control and management. The public were beginning to view this odious Bill in its proper character; and he felt certain that, before long, the Ministers would have cause to regret that they had so prematurely carried through the House a measure that was calculated to create a deep and lasting dissatisfaction in the public mind. The title of the Bill ought to have been—"A Bill to prevent all extramural interments, except under the actual management and control of a Government board." His great objection to the measure, however, was, that at a time when the public were regarding with intense interest the subject of the management of church property, it was artfully introduced for the purpose of perpetuating the value of church livings. He did say that this was a case of grievous injustice; and although he had no prospect of offering a successful opposition to the Bill in that House, he hoped the country would take the alarm ere a similar Bill was applied to other parts of the kingdom, and endeavour to procure such modifications as would render any future measure of this kind more consonant at once with constitutional precedent and the religious liberties of the people, than this unfortunately was. He begged to say that so far as it went to secure the health of the community, so far as it went to provide a proper place of sepulture for the dead, and greater decency in the mode of conducting funerals, he approved of the present measure; but so far as it went to mark out every living man as already mortgaged for a certain sum, he strongly disapproved of it. He observed that the right hon. Gentleman the Chancellor of the Exchequer looked incredulous at that remark; but he repeated that, according to the provisions of this Bill, the body of every living man in the

metropolis, who assigned to himself a place in consecrated ground, was already mortgaged, and that whenever the vital spark should flee from his mortal body, he would be booked for a certain sum to the clergy, and that in a manner which in many cases would interfere to a great extent with the religious feelings of the people. With these views he felt bound to protest against those features of the measure which he considered to be odious, oppressive, unconstitutional, and unjust, although he could not but rejoice in its success so far as it went to promote the health of the living, and the decent interment of the dead.

Mr. ELLIS said, that amongst his constituents were a large body of Dissenters, who, regarding this as a model Bill for the country, felt very strongly opposed to some of its provisions. They had no objection, for instance, to compensation being given to existing incumbents, but they did complain that compensation was given to incumbents for all time to come. His constituents also thought, and he thought with them, that it was wrong to call upon Dissenters to contribute to a rate to make up that compensation. [*An expression of dissent.*] He repeated that under this Bill such a rate might be levied. He hoped that if the Government brought in another Bill they would take care, or at all events, that the House would take care, that no such provisions were included in it.

Mr. KERSHAW also begged to state that, whilst approving of what was called the principle of the Bill, he protested strongly against those provisions which inflicted new and serious injuries on the Dissenters of the country.

Bill passed.

FACTORIES BILL.

Order for Third Reading read.

Sir G. GREY moved that this Bill be read a Third Time.

Mr. F. O'CONNOR felt assured that no hon. Members who lived on the sweat and blood of the operatives had better means of forming an opinion on the Factories Act than himself. That House thought itself justified in refusing the suffrage to the people because they were ignorant; but how was it possible for children and young persons to acquire learning or knowledge when the former had to labour six hours and the latter eight hours a day? The Government made an excuse for bringing forward the present project, by saying

that the former Bill had been set aside by the Judges giving a certain decision; but he (Mr. O'Connor) wished to know why the Judges should be allowed to set aside an Act of Parliament which had been passed for the benefit of the operatives, for the sake of pleasing those who had jumped from clogs into Spanish leather, and from carts into carriages? The noble Lord at the head of the Government, and the right hon. Baronet the Home Secretary, did not pay any attention to what he said; but he would tell them that the feeling of indignation which was rising among the labouring classes would burst on them like a volcano. He denied that no petitions had been presented against this Bill, for he knew that numbers had been sent up for that purpose. The hon. Member for Manchester had been guilty of the impertinence and audacity of saying that he (Mr. O'Connor) had made a furious speech—*[Loud cries of "Order, order!"]*

MR. SPEAKER said, that it was clearly out of order for one hon. Member to apply such epithets to the observations of another hon. Member.

MR. F. O'CONNOR said, that under such circumstances he would withdraw the words. If this Bill passed, he would exert himself out of the House to rouse the people, and he would take care they should not be deluded on the subject. He would read to the House a letter, respecting the management of the mills belonging to the hon. Member for Manchester, which he had received from an inspector of factories, who had visited the factory of the hon. Member for Manchester. The report stated, that all the throstle-piecers had had their wages reduced, being the third time since the winter. The best hands were getting only 8s. and 9s. a week, while at Wayside mills they were getting 12s. and 13s. for working five days. Some of Mr. Bright's hands were only receiving 4s. 9d. One overlooker stated that he had worked with the Messrs. Bright for twenty years, and only received 10s. a week.

SIR G. GREY asked to look at the letter. On its being handed across the table to him, the right hon. Baronet said that it did not bear the name of any inspector of factories.

MR. F. O'CONNOR stated that the paper he had produced was only a copy of the letter which he had received, but he would produce the original letter. If, however, he gave up the name of the party

who had written it, no doubt he would be much injured.

MR. ELLIS wished to know whether the letter was written by a Government inspector of factories?

MR. F. O'CONNOR: No. No reliance could be placed on the reports of the Government inspectors; but the document was written by a most respectable person, who had been permitted by the hon. Member for Manchester to inspect his mills.

MR. REYNOLDS wished to know whether the hon. Member had given notice to the hon. Member for Manchester of his intention to make this attack upon him?

MR. F. O'CONNOR had not felt called upon to give any notice on the subject, any more than the hon. Member did when he made an attack upon him (Mr. O'Connor). He did not believe that any other Member in that House would have been allowed to be interrupted in the manner in which he had been that night. Could anything be more monstrous than the treatment of the children in those factories? Would those hon. Gentlemen who had formerly worked as children in those factories, and who now were cotton millionaires, allow their own offspring to be placed in such a situation that their growth would be sure to be stunted and their health undermined, instead of sending them to school? He was sorry he was deserted on that occasion by the landed interest. *[Only two Members were at that time on the Opposition benches.]* Was the House aware of the relative value of human life in the manufacturing and the agricultural districts? In the manufacturing districts the average estimate of human life was twenty-seven years, while in much-abused Dorsetshire and other country districts it was fifty-three years. He knew that it was useless for him to oppose a Bill which had been introduced by Her Majesty's Government; but he believed it had been forced upon them by hon. Gentlemen behind them, of whom they were afraid. It was unnecessary for him to trespass further on the time of the House. *[“Hear, hear!”]* He knew that observation would elicit a cheer, and the only one he had that night received; but he was aware what little power an individual Member had in that House. In conclusion, he would tell them, if justice was not done to the people by that House, they would take it for themselves. He should oppose the Bill although he stood alone.

Mr. REYNOLDS said, he had the greatest possible abhorrence to anonymous communications, because he had known of his own knowledge that they had often been made the vehicle of destroying private character. As the hon. Member for Nottingham had stated as much, he would assume that he had the original. But he would tell the hon. Member that the manly, straightforward course for him to have pursued on this occasion, was to have brought the original down with him to the House. He would also have acted more manly and honestly if he had given the hon. Member for Manchester notice of his intention to make those charges against him before the House in so unenviable a manner. The hon. Member should recollect that his own conduct had been often made the subject of censure and animadversion in the public papers. He thought that the hon. Member would have had good reason to complain of the hon. Member for Manchester, if, without giving him any previous notice, he had brought forward an anonymous communication in this House containing an exaggerated statement of his dealings in Snig's-end. He wished that the hon. and learned Member for Nottingham had acted upon the Christian principle of "do unto others as you would wish them to do unto you." It appeared to him that the hon. and learned Gentleman had not done himself much credit by the manner in which he had treated this subject, nor in the conduct he had pursued towards an absent Member. He (Mr. Reynolds) knew something of the dealings of the hon. Member for Manchester as a factory owner, and he had found it at all times admitted with respect to him that he was one of the most liberal and indulgent of the manufacturers of Lancashire; and never yet had he heard anything that did not redound to the honour and the credit of that hon. Member. Indeed, he (Mr. Reynolds) might have been saved the trouble of saying so much and of defending him, if the hon. and learned Gentleman had done that which he was bound to do, given notice to the hon. Member that it was his intention to make an attack upon him. He protested against such an attack upon an hon. Member in his absence, and he would not in doing so refrain also from protesting against the aristocratic sneer levelled at Gentlemen sitting behind the Ministerial benches of having jumped from something into a coach. If they had done so, he said the

greater was their merit; for it was owing to their exertions and to the exertions of men like to them that this country occupied a high and proud position amongst the nations of the world.

SIR G. GREY said, that he understood the letter, as it had been first read by the hon. and learned Gentleman, to be addressed to him by a factory inspector in the employment of the Government. He found now that it was not a Government inspector who had written, and he was sure the matter was not worthy of any more observation. He believed that this Bill, which placed a limitation upon the hours of factory labour, would be most conducive to the wishes of the great body of the operatives, and he, therefore, hoped the House would at once agree to the third reading.

MR. F. O'CONNOR said, he now offered the original letter to the right hon. Baronet, and if it were worth his while, he would also offer it to the right hon. the Lord Mayor of Dublin.

MR. W. J. FOX wished to say a few words before the Bill was read a third time. He desired to express his regret that Her Majesty's Ministers had not judged it fitting to introduce a Bill containing a better promise for the final settlement of the question. The Bill could be but a temporary arrangement. It conferred one great advantage by the limitation of ten hours to young persons; but then it created the addition of two hours' labour per week. This detracted from its merits, and he apprehended that the operatives could not accept it as a final and satisfactory adjustment of a question which they had agitated so long and with so much earnestness. Whilst expressing his unvarying attachment to the Ten Hours Bill which had formerly been carried, he begged to express his disclaimer of the mode, spirit, and temper in which the advocates of the Bill had been attacked. The hon. and learned Member for Nottingham had not been deputed to conduct the case of the operatives on this question, and many of the hon. and learned Gentleman's remarks to-night showed that the operatives had acted wisely and judiciously in assigning their case to other hands. Now, for the absent Member who had been assailed, it was needless for him (Mr. Fox) to pronounce any vindication or justification. Every one who knew the hon. Member for Manchester, knew that he was incapable of dishonourable, or oppressive, or

cruel conduct. It had been his (Mr. Fox's) fortune to be opposed to that hon. Gentleman once or twice on this Factories Bill; but, whenever he was opposed to him, it had been face to face, and the opposition encountered was that of argument—the only weapon which the hon. Member for Manchester ever used. He (Mr. Fox) begged to express his regret, that feeling as the hon. and learned Member for Nottingham did for the hard labour of the children in factories, he was not in his place to speak and prevent, when he might have prevented, the minority which had taken place on that question. Such a proceeding would have done the cause much more good than the remarks which had, on the present occasion, been delivered. He hoped the Government would accommodate this question so as to satisfy the operatives, and conduce to the prosperity and peace of the country.

MR. HUME said, he had invariably opposed Bills interfering with labour, for he held them to be most dangerous legislation; and he deprecated any attempt by means of them to repress or discourage the enterprise and exertions of men who were the best support of the country, by the vast employment of labour through their capital. Although he admitted that the Bill was now better than before, he would suggest to the noble Lord at the head of the Government that the language which had just been heard in that House might be taken as a warning that when a great principle was once departed from, it was difficult to predicate how far the deviation would go. If there were to be any further proceedings upon this question, it was to be hoped that it would be by the Government retracing their steps, and no longer interfering with the employ of labour by capital, and so discouraging and driving out of the country the chief means by which its wealth and greatness were sustained. Upon that ground alone he must express his deep regret that the hon. Member for Manchester should have been so severely charged during his absence. It would never do for Members of that House to attack one another in that way. That freedom of speech should be accorded was not to be doubted; but then the privilege should be observed with that courtesy which all gentlemen observed in their intercourse. He really hoped that the hon. and learned Member would feel that he had expressed himself in language not consistent with his position as a Member of

that House, and not even consistent with the liberal and humane views which he himself had taken upon the subject on which he had spoken.

SIR T. ACLAND wished to express his cordial acceptance of this Bill, not as a mere compromise, although that was the spirit in which it had been viewed, but as a real and actual improvement. He regarded the endeavour to improve the state of the law relating to the women, children, and young persons employed in factories, as the successful conclusion of one of the best pieces of legislation for the labouring population that he had ever known. It was a great boon, and not a compromise. He only regretted that the measure had not been extended to those who had a permanent claim to the care of the House, inasmuch as they could not help themselves; and in the hope that not even another year would be allowed to pass without this anomaly being cured, he would support the passing of the Bill.

Motion made, and Question put, "That the Bill be now read the Third Time."

The House divided; Lord Marcus Hill and Mr. Bellew were appointed Tellers for the Ayes; Mr. Feargus O'Connor was appointed one of the Tellers for the Noes, but there being no second Teller for the Noes, Mr. Speaker declared the Ayes had it.

Bill read 3^o.

Amendments made; Bill passed.

COURT OF EXCHEQUER (IRELAND) BILL.

Order for Second Reading read.

MR. HATCHELL moved the Second Reading of the above Bill.

MR. NAPIER wished to state some objections to the Bill. He had not heard one reason on the part of the Government why these proposed alterations should be made. The measure was against the advice and opinion of at least three of the Judges who presided in the court to which it related. It would be said, perhaps, that as the courts of equity in this country had been dealt with, the House might do the same with those of Ireland. But the two cases were totally different. In this country, the Judges appointed to the courts of common law were generally lawyers whose exclusive practice had been in these courts; whereas in Ireland the Judges in the Court of Exchequer were distinguished as much for their knowledge of equity as their knowledge of common law. When the

Government asked the House to abolish a court of this kind with more summary indecency than they would adopt in the case of an ordinary Palace Court, he felt entitled to ask for some reason to enable him to arrive at a conclusion why the Bill should pass. He had heard no such reason: the hon. and learned Solicitor General for Ireland had made no statement that he had heard of; there had been no inquiry into the subject, and he would venture to say that there was scarcely a Member of the House who knew anything at all about the measure. The fact was, that this court was one which presented great conveniences both to the profession and to the public. [Here the hon. and learned Gentleman described in detail some of the functions and the mode of jurisdiction of the court; the Judges of which were, he said, particularly well acquainted with what he might describe as local equity.] What benefit could arise to the public he could not conceive, of abolishing a court of co-ordinate jurisdiction, when the Court of Chancery was overburdened with business. Thus, they had a Court of Chancery with its hands full, and a Court of Exchequer presided over by three Judges, who now sat in equity, in whom the country had as high a confidence as in any Judges on the Irish bench; and the opinions of these Judges were decidedly opposed to this Bill. Was it right or reasonable to come upon the House by surprise, at this period of the Session, to abolish such an institution as the Court of Exchequer in Ireland, without proper notice given, or reason assigned? He had objections to some details of the Bill, and he could not avoid complaining of the changing and shifting that was of late continually occurring in Irish legislation, so that the profession scarcely knew what they were about. He wanted to know the ground and reason for this Bill, proposed just at the time when the additional business arising out of the sales of the incumbered estates had been thrown upon the Chancellor, and when the Master of the Rolls also had had further duties imposed upon him. Here was a court in a state of full and competent working, with excellent Judges, and a full staff of most experienced officers, and this the House was asked to abolish—for what, for whom, for whose interests? Several of the officers had been forty years in the service; and were they to be turned upon the world without provision, or were they

to be quartered upon the public for compensation? In this country such an act would not be done without making provision for pensions, and sufficient retiring allowances for the officers. He recommended to the House a more careful attention to legislation for Ireland than had been displayed in such Bills as these, and then perhaps the complaint of that country that her people could not obtain justice from an Imperial Senate would be obliterated. When the third reading of this Bill would be proposed, he hoped to be able to notice in detail the circumstances under which it had been got up.

Mr. HATCHELL denied that the Bill had been brought in by surprise. Bills for the transference of the special jurisdiction of the Court of Chancery had been prepared some time ago, and the public mind was prepared for changes to be proposed. One of the learned Judges of the Court of Exchequer approved, he knew, of this measure, and he had not seen a single communication from any one of those Judges disapproving of its principle. One of them had been in London since he (Mr. Hatchell) had given notice of the Bill, but had expressed no dissatisfaction. The hon. and learned Member for Dublin University had asked why it was necessary that this jurisdiction should be transferred. The equity business of that court had fallen off so considerably within the last two or three years as to render the equity jurisdiction of the court perfectly useless. In the first five months of 1847, 111 bills were filed; in 1840, 80 bills were filed; in 1849, 48 bills were filed, only 19 of which were answered; and this year the number of bills filed had fallen to 29, only four of which had been answered. The expense of the staff maintained for disposing of that business was about 15,000*l.* a year, which would be, to a great extent, saved by the adoption of this Bill. It would, of course, be necessary to afford compensation to the officers of the court, some of whom were far advanced in life, their period of service having extended to fifty years. The court, under the existing system, had recently been often obliged to proceed with business promiscuously; the consequence of which had been, that neither suitors, the bar, nor practitioners were able to know when their motions either in law or equity would be called on. Great inconvenience had resulted to all parties from this circumstance, which he had every reason to believe would be

avoided by the operation of the Bill. When it was considered that, besides this inconvenience, the business of the equity branch of the court had so greatly diminished, added to the fact, that the business of the law branch had considerably increased, it would be admitted there was an absolute necessity to remove the equity jurisdiction, so that the court might devote its whole attention to the legal department. There was also precedent for the measure. In 1844, the equity jurisdiction of the Court of Exchequer in England was transferred to the Court of Chancery; and clauses of the present Bill were almost precise copies of the English Act upon the same subject. He remarked, that the discordant decisions of the equity side of the Exchequer, and of the Court of Chancery upon similar questions, encouraged appeals to the House of Lords. Under these circumstances, he called upon the House to agree to the second reading of the Bill; but at the same time he should be glad to receive any suggestions for its improvement from his hon. and learned Friend.

Bill read 2^o, and committed for Monday next.

CHARITABLE TRUSTS BILL.

Order for Committee read.

Clause 1.

MR. TURNER objected to the provision in the first clause, whereby it was enacted that trustees might, in certain cases, be removed by the master without any grounds having been laid by affidavit for the order for their removal. This provision was so objectionable that he should move its omission from the clause.

Amendment proposed, in page 2, line 6, to leave out from the word "require" to the end of the clause.

The SOLICITOR GENERAL said, his hon. and learned Friend was under a misapprehension as to the effect of the clause. He supposed the object of it to be that the opinion of the master should have the same effect as if it were an order of court. But the simple object of the clause was, in the case of charities whose income exceeded 30*l.* and was below 100*l.*, to give the primary jurisdiction to the master, in order to avoid the expense of first going to the court. The question was referred to the master by the Bill. The clause simply meant that the subject-matter of the petition went before the master primarily, who dealt with it according to his judgment; and he made a special report upon it be-

fore it became an order of court. With regard to the incomes, it was impossible to avoid every difficulty unless the Bill was applied without distinction to all charities. Some contest, therefore, might occur upon the question whether the master had jurisdiction, but in such cases the master would make a special report to the court.

MR. TURNER said, that in point of fact, the master would have no rules to guide his proceedings.

Question put, "That the words 'and upon the presentation of every such petition, the same,' stand part of the Clause."

The Committee divided:—Ayes 65; Noes 14: Majority 51.

Clause agreed to, as were Clauses 2 to 7 inclusive.

Clause 8.

MR. TURNER said, this clause would place all the smaller charities of the country entirely under the administration of the judges of the county courts. This was open to some objection. As a general rule, the county court judges did not reside in the districts over which they had jurisdiction, and, therefore, they could have no local knowledge of the charities under their control. The consequence would be, that they must obtain their information in relation to them through the medium of their clerks in different towns upon their circuit, who were generally solicitors and attorneys, who had considerable political influence. He feared that in this way the choice and appointment of trustees would fall, practically, into the hands of these clerks, who might—he did not say they would—turn it to political purposes, as the judges themselves would have no local knowledge. He therefore trusted the House would reject the clause, and place charities under 30*l.* annual value upon the same footing as charities between 30*l.* and 100*l.*

The SOLICITOR GENERAL said, this question, of which he fully admitted the importance, had been discussed upon the second reading of the Bill. The power must be given to some tribunal, and he was not aware of any so unobjectionable as the county courts, though some objections might be made to them. The fact of the judges not being locally resident was an advantage, because it had always been found that judges locally resident contracted local feelings and local prejudices. They must, however, determine upon the evidence submitted to them. He did not deny that some evil might arise in respect to the appointment of trustees from politi-

cal feelings; but he was willing to introduce a provision that the same course should be taken, both with respect to the county courts and the master's office, as prevailed in the Court of Chancery with regard to all charities except corporation charities, namely, that the list should in the first instance be submitted to the Attorney General for his approval.

The ATTORNEY GENERAL defended the principle of the clause, and enforced the propriety of the Amendment suggested by the Solicitor General.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 61; Noes 16: Majority 45.

Clause agreed to, as were Clauses 9 to 36 inclusive.

Bill reported; as amended, to be considered on Thursday next.

COUNTY COURTS EXTENSION BILL.

Order for Third Reading read.

SIR G. GREY moved the Third Reading of this Bill.

SIR G. CLERK said, before the Bill was read a third time, he wished to call attention to the case of certain officers who would suffer pecuniary loss by the operation of the Bill. The officers to whom he alluded were the registrars of the Cinque Ports. They had applied to the Treasury, but no answer had been given to their application. He was afraid that according to the forms of the House he could not move that compensation be given to these officers; and, under these circumstances, he could only appeal to Her Majesty's Government, who he trusted would give an assurance that they should be compensated if they could prove that they had sustained a pecuniary loss.

The ATTORNEY GENERAL said, he would explain the nature of the claim. He understood that the individuals to whom the right hon. Baronet referred were in the nature of sheriffs' officers, and the complaint they made was that by the operation of this Bill, process being served by the officers of the court, they would lose the service of the processes of the superior courts. Now, the first observation in answer to that claim was this, that this was only an extension of the original Act, and he found no clause in the original Act giving compensation to the registrars of Cinque Ports. But further, if they were

to compensate everybody, they must compensate sheriffs' officers and attorneys. He could quite understand that where an office was abolished there should be compensation, but where there was only an indirect loss they could not give compensation.

Bill read 3^o.

On the Question that the Bill do pass,

MAJOR BLACKALL moved a clause to the effect that members of the Irish Bar of seven years' standing should be eligible to fill the office of judges of the county courts in England.

Clause brought up, and read 1^o.

SIR G. GREY said, that if the House adopted this Motion, they would have to go much further. No English barrister could be appointed to an office in Ireland.

MR. F. FRENCH wished to know why Irish members of the Bar, with the advantages of a legal education, should not be allowed to fill legal offices in this country?

MR. C. ANSTEY asked if an English barrister of inferior standing was fit for a high office in Ireland, why should not an Irish barrister of superior standing be fit for an inferior position in England?

MR. KEOGH said, that the duties of the judges of the county courts had been described as not requiring very high qualifications. If Irish barristers were not permitted to fill these offices in England, why were they dragged from Ireland to England to obtain their right of admission to the bar? Why were Englishmen sent to Ireland to fill judicial offices? He knew that there were persons in Ireland at this moment receiving high salaries, holding offices in the Court of Chancery, who had come to Ireland, holding the offices of clerks. It was most unreasonable for any Member of the Government to stand up and reject this most reasonable proposition.

The ATTORNEY GENERAL observed that the Motion was not resisted on the ground of qualification. The Bill was a Bill to amend the County Court Act by extending the jurisdiction of the court. The hon. and gallant Gentleman proposed to put a clause in the Bill which would have the effect of altering the entire system. If it were thought right that all gentlemen qualified for Ireland should qualify themselves for each bar, let it be so understood.

COLONEL RAWDON thought it most important to give Irish gentlemen who

were obliged to come over here to keep a certain number of terms, an equal opportunity of sharing in the administration of justice in both countries. He should therefore vote for the clause proposed by the hon. and gallant Member.

Motion made and Question put, "That the said Clause be now read a second time."

The House divided:—Ayes 58; Noes 111: Majority 53.

MR. MITCHELL moved a clause, to the effect that, with the leave of the court for the district in which the plaintiff shall dwell or carry on business, or shall have dwelt or carried on business within six calendar months next before the time of the action brought, such summons may issue in such last-mentioned court.

Clause brought up, and read 1^o.

The ATTORNEY GENERAL opposed the insertion of the clause, and reminded the House that on its former production it was withdrawn in obedience to the general feeling of the House. He looked upon it as violating the principle which was sought to be established by the Bill.

MR. FITZROY supported the clause, and hoped the hon. and learned Gentleman the Attorney General would withdraw his opposition.

Motion made, and Question proposed, "That the said Clause be now read a second time."

Question put.

The House divided:—Ayes 55; Noes 90: Majority 35.

Amendment made; Bill passed.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, June 21, 1850.

MINUTES.] PUBLIC BILLS.—1^o Factories; Metropolitan Interments; County Courts Extension; Borough Courts of Record (Ireland); Turnpike Roads (Ireland); Inspection of Coal Mines; Crime and Outrage Act (Ireland) Continuance.

THE SPEAKER OF THE HOUSE.

LORD LANGDALE informed the House, that Her Majesty had issued Commissions, revoking the former Commissions appointing Speakers of this House, and thereby appointing the LORD LANGDALE Speaker of the House: in his absence, the LORD DENMAN: in their absence, the LORD CAMPBELL. The said Commissions read by the clerk.

ATTENDANCE OF THE JUDGES IN THE HOUSE OF LORDS.

LORD CAMPBELL wished to address a few words to their Lordships on behalf of the Judges who had been summoned to attend their Lordships for the remainder of this Session in cases of appeal. The Judges knew that it was their first duty to attend upon their Lordships when summoned to do so. They felt that it was an honour to advise their Lordships during their deliberations, although they had not a right to vote upon them. In consequence, however, of the present state of affairs, caused by the Great Seal now being held in commission, they had considered that it was not likely that their Lordships would call for their attendance during the present Session; they had therefore made arrangements *de die in diem* in the Court of Queen's Bench, in the Court of Common Pleas, and in the Court of Exchequer, by which their time would be fully occupied until the commencement of the assizes. He knew that it was very desirable that many of the cases which were in appeal before their Lordships should be decided as speedily as possible, and that the judgments might be disposed of more speedily if the Judges could attend their Lordships; but such attendance would lead to great inconvenience in the arrangements which they had made for their respective courts, and would be likely to lead to serious consequences. He believed that those appeals in which the attendance of the Judges was required might very well stand over until the next Session of Parliament—until the spring of next year—and that too with little damage to the parties engaged therein, while the regular business in which the Judges were now engaged was of much more urgent importance. What he, therefore, most respectfully submitted to their Lordships was, that they should not exercise their undoubted right to summon the Judges during the present Session; but that they would allow the existing arrangements to be carried into effect. Having made this statement, he should leave the matter in the hands of their Lordships.

LORD BROUGHAM had expected to dispose of two writs of error this Session, in case the assistance of the Judges were given to him; but the speech of his noble and learned Friend had put an end to that expectation. It was no fault of his, nor yet of the Judges. It was the right of those noble Lords who attended to the appeal business to summon the learned

Judges. As he understood that the circuits would take place in the course of the week after next, he did not think that the arrangements mentioned by his noble and learned Friend could be interfered with.

POST OFFICE ARRANGEMENTS—DELIVERY OF LETTERS ON SUNDAY.

LORD BROUGHAM wished to put a question to his noble Friend the President of the Council, on a subject on which he had received so many letters that he could not any longer refrain from noticing it. The question related to certain new regulations issued respecting the delivery of letters on Sundays. As a lawyer, he entertained great doubts whether the Crown had power to issue, or at least to enforce, those regulations; and he hoped that they would be well considered before directions were given to carry them into effect. He had great doubts himself—but several eminent lawyers had no doubt whatever, as to the legality of these regulations. The ground which many of his legal friends had taken as the basis of their opinion was, that this order of the Crown had been issued in reply to an address coming from only one branch of the Legislature. Nothing was more legitimate in his opinion than the action of the Crown upon the address of only one branch of the Legislature; but if the matter to be accomplished by the address was in itself illegal, it could not be carried into effect legally even by an address from both Houses of Parliament. The only mode of acting legally in such a case was a proceeding by Bill. Now, there were votes annually passed, and taxes regularly paid, for the delivery of letters. Could those taxes be repealed, or those votes of both Houses be got rid of, by the vote of a single House, or by an Address to the Crown? If the delivery of letters could be thus stopped on the Sunday, it could be equally stopped on the Monday, and indeed on any other day in the week.

The MARQUESS of LANSDOWNE said, that the point which his noble and learned Friend had raised was one of very great importance, and that he would endeavour to obtain correct information respecting it in the course of To-morrow.

LORD BROUGHAM said, that he intended no allusion to what had taken place elsewhere, nor did he mean to imply the slightest disrespect to the House of Commons.

ACCOMMODATION FOR FOREIGN MINISTERS.

The MARQUESS of LANSDOWNE rose to move, pursuant to notice—

“That a Select Committee be appointed to inquire whether an improvement can be made in the existing arrangements of this House, so as to afford better accommodation for Ambassadors and Ministers of Foreign Powers who may desire to be present at its debates.”

The noble Marquess said: My Lords, I rise for the purpose of asking your Lordships' consent to the appointment of a Committee for the purpose of considering and reporting upon the best mode of accommodating in your Lordships' House those distinguished persons who represent Foreign Courts in this country. It is unnecessary for me to repeat what I have on a previous occasion stated upon this subject, more especially as I am sure all your Lordships must be anxious to promote the object which I have in view, and to do all in your power to accommodate those distinguished persons. Your Lordships must be aware that there was some misunderstanding on this subject a few nights ago, but to which I do not wish more particularly to advert. I believe, however, that the distinguished person alluded to on that occasion believed he was justified in occupying that seat, which, under a recent order of your Lordships' House, he had not a strict right to occupy—I believe this gentleman had no reason to suppose that he was not authorised to occupy it. He might have formed that conclusion from two reasons: one was, that he was admitted to the seat by one of the officers of your Lordships' House; and, secondly, because on the door through which he passed into this seat were inscribed the words, “Seats for diplomatic persons.” From these circumstances, the distinguished individual to whom I allude conceived he had a perfect right to occupy the seat he occupied, and that by taking and maintaining that seat he was only maintaining the position which he was entitled to maintain; that he was only fulfilling his duty to the Sovereign he served, and discharging the obligations which he had to perform. However unpleasant the circumstance may have been to him, I am confident that there was no disposition on the part of your Lordships to act harshly or wound the feelings of that gentleman. I believe that, on the contrary, there is every disposition on the part of your Lordships to provide for the representatives of

Foreign Courts all possible accommodation, and to receive them in your Lordships' House on the most friendly terms. Your Lordships are all anxious to provide suitable seats for the members of the diplomatic body, and to do anything in your power to promote their comfort. It is with these views that I beg to move for the appointment of the Committee. I know the place allocated for their accommodation cannot be very large, and that it would be scarcely possible to find room for all the inferior members of the corps diplomatique; but some arrangement is necessary, and therefore I ask your Lordships to appoint a Select Committee to inquire into and report upon the subject.

LORD BROUGHAM: I entirely agree with the observations which have fallen from my noble Friend the Lord President of the Council, and I rise to second his Motion, in token of my agreement. It is necessary for me to add, that what took place, and what I said on the occasion alluded to, took place without any intention of originating it on my part, as I shall endeavour to show your Lordships. Anything in these days more misrepresented—anything more gross than the misrepresentation which has gone forth to the public, in language the least decorous which I ever heard applied to any Member of either House of Parliament—anything more utterly gross, in my opinion, than the representations which have gone forth, and in the least decorous language, I have never, on any occasion, read in any account of the proceedings of either House of Parliament. It was not because the gentleman in question, whose name I do not recollect to have mentioned to your Lordships, for I purposely abstained from mentioning it, because I was aware, or at least expected, that as soon as the affair was mentioned he would leave his place, and in that case his name would never have come before the public—that being the case, I add, that it was not from any the most remote approach to any disrespect towards that eminent individual, that I proceeded as I did. I have, in common with my noble Friend opposite, a great respect for the attainments of that excellent gentleman, for his station, and for his character. I have the honour of his acquaintance, and am, and have been, on the most friendly footing with him. It was, therefore, from no disrespect either to him or to his functions that I took the course which I did. If it had been one of your Lordships, who have an

undoubted right to be in that place, and whose right to be there cannot be challenged, I should have taken leave, with all possible tenderness and respect to the wrongdoer, as I should have considered him, to protest against his remaining in that place. It is said that I have been seen, and that my noble Friend the Chancellor of the Duchy of Lancaster has been seen, repeatedly in the Peeresses' gallery. To be sure we have, over and over again, for we have a right to be there; but I venture to say, that neither I nor my noble Friend ever kept our seats there when Peeresses were standing at the door and could not get a seat. That is the point, I say; that is the question. No gentleman in England, be he a Member of this House, or, as I believe, of the other House of Parliament, but I can only speak with confidence of the House to which I have the honour to belong—no gentleman in England, be he in Parliament or out of it, would keep a seat to the exclusion of any lady unable to obtain one. It was, therefore, not on any ground of privilege, except so far as the gallery is appropriated by the orders of your Lordships to the accommodation of Peeresses and their daughters, that I interfered. The noble ladies in question for whom I interfered were among the nearest relations of a noble Lord whose conduct was to form the main subject of that night's debate. They came to the door of the gallery; they found it full, they found that there was not even standing room. I then said, as I thought, courteously—I am sure that I intended no disrespect—I addressed myself three times over to this highly-respectable individual—I stated three times over that Peeresses, who had an undoubted right to be in the gallery, were waiting at the door; I stated—as I thought, most courteously—that there was a place below assigned for him to occupy. In all probability, as I was talking to him in my own language, and not in his, this respectable individual did not understand me. I hoped that there would be some fair interpreter there to aid me, as I was speaking on behalf of the sex. Why do I say that he did not understand me? Because he never answered me—because he did not even look at me. I then told him that I should be under the disagreeable necessity of enforcing the standing orders of the House. Still he took no notice of what I said. Even after I had addressed the House, and the order was enforced from the woolsack, he still

took no notice. The gentleman, being, as I suppose, ignorant of our language, and being without the aid of an interpreter, took no notice even of that proceeding. I am afraid that it was owing to the inscription over the door, of which I was not at the time aware, that this occurrence arose; but every one of your Lordships knows that that inscription was erroneously there. That there was no intention on the part of any person in this country, or in this House, to show the slightest disrespect to any diplomatic agent here, I confidently state. I ought to mention that, in consequence of this gentleman's presence in the gallery, one or two Peeresses left the House and went home, as my noble Friend near me knows, for he took charge of them. They went home in consequence of their places being preoccupied. But, my Lords, I ought to add that the total groundlessness of the idea that any disrespect was intended to the gentleman, either on the part of the House or of the Court, is shown by what occurred only a few years ago. Rank has been acceded to the higher diplomatic agents by the Court in very ample terms, without any complaint by the Members of this House. By Royal mandate they are endowed with privileges never before granted except to Ambassadors. An Ambassador stands in the place of, and is in the same position as, his Sovereign. But not so an Envoy. An Envoy is only the representative of the Minister of the nation by which he is sent to this country. He does not represent a foreign Sovereign any more than a Consul does. But, by a Royal mandate issued within a few years, precedence has been given in England to all Envoys, down to those coming from the least important States, before Earls and Marquesses, as I understand. I never heard any whisper of objection from any Earl or Marquess to that. [A Noble LORD said: Above Earls.] I thought it had been before Marquesses, but I suppose that my noble Friend (the Marquess of Lansdowne) took care that it should not be before Marquesses.

The MARQUESS of LANSDOWNE said, that the precedence was before Marquesses.

LORD BROUGHAM: He had said that it was before Marquesses, and had been corrected; and now he asked, had any Marquess, Earl, Viscount, or Baron, ever objected to such precedence being given? That was a clear proof that the Court showed no disrespect, and that the Peers entertained no disrespect to these foreign

Envoys. With respect to the Motion of the noble Marquess, nothing could be more proper or more fitting. The place to be assigned should be very convenient, but not very large—not to hold all the adjuncts of a foreign Embassy—all the attachés and all the secretaries; it ought to be confined to the accommodation of particular classes of Foreign Ministers—such as Envoys, *Chargés d'Affaires*, Ministers Plenipotentiary, or Secretaries of Embassy.

EARL GREY said, that having been present upon the unfortunate occasion in question, it was only due to the distinguished person aggrieved to say, that in his (Earl Grey's) opinion, that distinguished person could not have understood what had been stated to him by the noble and learned Lord opposite; and, in point of fact, he (Earl Grey) knew that the Chevalier Bunsen was not aware that he was appealed to to make room for ladies who were unable to obtain seats. He knew, on the contrary, that the impression of the Chevalier was, that he was summoned out of the place where he was sitting in such a manner as to make it due to himself, and to the body with which he was connected, to decline to leave his place. He (Earl Grey) regretted greatly—he took shame to himself that he had not suggested that the standing order ought, under the circumstances, not to have been read. But the fact was, that the whole thing passed so rapidly, that it was over before the idea struck his mind. He repeated that the Chevalier Bunsen did not conceive that an appeal was made to him to do that which, as the noble and learned Lord had stated, any gentleman here or elsewhere would have done unasked. Had the appeal, indeed, been made in that manner, he was very sure that the seat would have been at once given up; but he believed that part of the difficulty arose from this circumstance—that, in a natural anxiety to hear a very interesting debate, there were ladies in the gallery who were not entitled to occupy places there, and he was not quite sure that the noble and learned Lord was quite unaware that such was the fact.

LORD BROUGHAM said, that he was perfectly unaware of what the noble Earl stated; that he only asked a place for a near relative of the noble Viscount whose conduct formed the subject-matter of that debate. He asked a place for a near relation of that noble Lord, a noble Vis-

countess, whose place was, undoubtedly, fixed by the order of the House, and who very naturally felt an anxiety to hear the discussion. Another very near relation was obliged to sit for two or three hours in the box of the Usher of the Black Rod.

The MARQUESS of LONDONDERRY stated that he had heard, from a Foreign Minister, an account of the matter which was very different from the version of it which the noble and learned Lord had given to the House. If their Lordships took any proceedings in consequence of it, such proceedings ought to be founded upon evidence. The Committee for which the noble Marquess now moved might be employed to take that evidence, by examining witnesses; and he thought that that would be a better course than proceeding upon the mere declaration of the noble and learned Lord. Having been formerly connected with the Court which the distinguished individual alluded to now represented in England, he felt himself called upon to unite with those who bore testimony to the high character of that Minister. But it would be premature to go into the history of this matter, and, if gone into at all, it ought to be developed by evidence taken before a Committee. A letter, setting forth the particulars of the occurrence, which had been printed, and a copy of which he had that morning received, he should say ought to be laid before the House. The papers relating to the transaction ought to be produced.

LORD BROUGHAM said, that if such suggestions were listened to, there would be no end to the producing of papers. Nothing could be more absurd. Had the noble Marquess who charged him with doing that which was most superfluous—he would ask the noble Lord, had he read the indecorous and mischievous paragraphs which had been before the public for the last three or four days, and he asked him, whether, considering those circumstances, he could have done otherwise than put the matter upon a right footing?

The MARQUESS of LANSDOWNE said, that before anything was known of that letter he had the unanimous concurrence of the House in the course which he was taking in this matter. He had given notice of the Motion now under consideration before the letter in question was received. If that document were to be officially produced, it would appear as if they had been influenced solely by such a communication,

and had not proceeded upon their own sense of what was due no less to the diplomatic body than to themselves.

The MARQUESS of LONDONDERRY observed, that his wish was that a one-sided statement should not go forth.

LORD BROUGHAM said, that the distinguished individual had printed and published the morning after the occurrence a statement of the circumstances in the newspapers, and in not very decorous language. He should not call it a breach of privilege, though it was inaccurate, and a breach of good manners.

The MARQUESS of BREADALBANE had referred to the statements which appeared in the public prints upon this subject, and he could only say that, though he had not himself been present, he was enabled, from the statement of an eyewitness, to corroborate those accounts. The noble and learned Lord no doubt was excited by his anxiety to obtain room for those honourable ladies; but he would appeal to the noble and learned Lord himself to say whether he had not addressed that most excellent person respecting whom the present discussion arose, from a part of the House, and said to him, "Now, will you come down?"

LORD BROUGHAM said, that the noble Lord had shown a total ignorance of the rules of evidence. Although as Lord Chamberlain he and all who had filled that office, from the time of Shakspeare, might hold themselves excused from acquiring an acquaintance with those rules, yet, being a Peer, and exercising judicial functions as a Member of that House, he was bound to know the rules of evidence, and he had on this occasion shown a total ignorance of them. The noble Marquess stated that he himself was not present, but that he had the account from some one else who was. Was that individual in the House at the time? [The Marquess of BREADALBANE: Yes.] Did he hear those words? and was he a Peer? [The Marquess of BREADALBANE was understood to say that he was not a Member of the House.] Whoever furnished that statement misinformed the noble Marquess—entirely, totally, and grossly misinformed him; and he had no objection that the noble Marquess should tell that person that he (Lord Brougham) had said so.

The EARL of HARROWBY said, that having had the acquaintance of the distinguished person who had formed the subject of their conversation for many years,

he, too, was anxious to take this opportunity of bearing his testimony to the high private character of that individual, and to say that he was convinced if he had had the slightest notion that he was appealed to on the ground of general courtesy, he would not have hesitated for a moment on the subject; but he was convinced his distinguished friend had no such impression on his mind at the time; but his impression was, not that he was requested or desired to make room for ladies, but that he was desired to quit a place which he believed he was entitled to occupy, as representative of a Foreign Court. He was convinced, from a knowledge of that person of twenty-eight years' standing, that he was quite incapable of doing anything which was unworthy the character of a gentleman, or wanting in respect for the ordinary courtesies of life. He apologised for addressing their Lordships on this subject; but as his distinguished friend was in the peculiar position of having his character, his manners, impeached in their Lordships' presence, and in the presence of the civilised world, without having the opportunity of saying a word in his own defence, he thought the testimony of an old and attached friend might be of some weight with their Lordships.

On Question, resolved in the *Affirmative*.
Committee appointed.

House adjourned to Monday.

HOUSE OF COMMONS,

Friday, June 21, 1850.

MINUTES.] PUBLIC BILLS.—1st Poor Relief; Railway Audit (No 2).

WESTMINSTER BRIDGE.

MR. W. PATTEN brought up the Resolution from the Standing Orders Committee relative to the Westminster-bridge Bill.

SIR R. H. INGLIS said, that this was a Bill for improving, amending, and repairing the existing Westminster-bridge, which had been brought forward without a due compliance with the Standing Orders. Yet the Standing Orders Committee had nevertheless recommended that parties should be allowed to proceed with the Bill. Now, he (Sir R. H. Inglis) was a member of a Committee which, four years ago, was appointed to inquire into the state of Westminster-bridge; and that Committee came to a resolution directly at variance with

the proposal which the House were now called upon to sanction. The noble Lord at the head of the Government was a member of that Committee, and, although he was not able to be present when the report was agreed to, he sent a message conveying his entire approval of the report; so that the Committee may be said to have been unanimous. They reported to the House that a majority of the witnesses declared that the foundations of Westminster-bridge were originally vicious, and could never be permanently made sound. Now, the Bill before the House proposed to take the foundations of the bridge as they stood at present. The expense of repairing the bridge was stated before the Select Committee to amount to 70,000*l.*, but that outlay would leave the bridge in a state requiring constant repair. The expense of constructing a new bridge would not exceed 360,000*l.*, and the Bridge Estate Fund would furnish 100,000*l.* of that sum in aid of the erection of a new bridge. Inasmuch as the bridge was built at the expense of the nation, and the neighbouring parishes and the two counties in which it stood had defrayed no part of the expense, Westminster-bridge might be regarded as a national bridge, which must be maintained and re-erected, if necessary, at the expense of the nation. He should not oppose the reception of the report, but he should, upon a future occasion, move the postponement of the Bill, until the opinion of Her Majesty's Ministers had been stated upon this subject.

MR. W. PATTEN said, that all the Standing Orders Committee had done had been to dispense with the Standing Orders, so as to allow the subject to be examined before a Select Committee of the House. They had received a statement from the agents of the trustees of Westminster-bridge relative to the circumstances which had led the trustees to come before Parliament at this late period of the Session. It appeared that the bridge was sinking day by day, that two of the arches had sunk considerably within the last six months, and that it was necessary for the public safety that prompt means should be taken. The Bill had for its object not to repair the arches; for, as yet, it was not decided whether it would be necessary to have it rebuilt or repaired. The Standing Orders Committee would take proper precautions to prevent parties from being taken by surprise, and they had only allowed the trustees to bring in a Bill for

making temporary provision for crossing the river in the event either of repairing the present bridge or building a new one.

MR. T. L. HODGES, as one of the trustees of the bridge, assured the House that the present was merely an enabling Bill. The commissioners, at present, were limited in their powers to the repair of the present bridge only; but, from the report of their engineer, there appeared a possibility of such a rapid sinking of the arches as to render the traffic over the bridge inconvenient, if not dangerous. The commissioners had no means of providing a temporary passage over the river while the bridge was under repair or being rebuilt. With regard to the building of a new bridge, no one could be taken by surprise, because the trustees must apply for a special Act to enable them to construct a new bridge.

VISCOUNT DUNCAN should like to know, if the bridge had been sinking for six months, why the trustees had not given notice at an earlier period of the Session of their intention to bring in this Bill?

MR. W. PATTEN believed that measures had been taken, but in vain, to prevent the continued sinking of the bridge. It was necessary to have a temporary bridge at the side while the repair or rebuilding was in progress; and the trustees could not erect this temporary bridge in the riverway without interfering with property on both sides of the river.

MR. FREWEN said, the commissioners imagined that they were empowered under their Act of Parliament to build a temporary bridge; but a month or two ago doubts were expressed whether they possessed this power, and, counsel's opinion having been taken, it was found that they had no power to make a temporary bridge, and that it would be necessary to have an Act of Parliament for the purpose, in order that the traffic might not be stopped.

MR. PLUMPTRE wished it to be understood, that although the bridge was in such a state as to require repair, yet it was not in such a state as to give any alarm to the public as to its safety. The commissioners only asked for power to build a temporary bridge, in case the necessity arose for so doing.

MR. W. PATTEN said, there were other stages in which his hon. Friend the Member for the University of Oxford could oppose the Bill. The report now brought up only enabled parties to present their Bill for the consideration of the House.

SIR R. H. INGLIS would not oppose

the reception of the report; but he would either divide the House upon it, or move that the Bill be referred to a Select Committee at the next stage.

Resolution agreed to.

ARMY—EDUCATIONAL EXAMINATION OF OFFICERS.

COLONEL REID rose to ask the right hon. Gentleman the Secretary at War, in reference to a circular recently issued from the Horse Guards regarding the future promotion of lieutenants and captains of the Army, "whether the educational examination to which officers of such rank are to be hereafter subjected, will be conducted by civilians or by a board of military officers; whether officers who may be serving or have served abroad, and who may have been in action, are to be declared unfit for promotion, unless they possess a knowledge of 'Euclid, algebra, logarithms, trigonometry, mensuration, geography, and history'; whether officers who have risen from the ranks are to undergo the prescribed examination; and in what manner it is intended that the examiners shall be paid?"

MR. F. MAULE begged to state, in reply to the first question, in reference to the promotion of ensigns or second lieutenants to the rank of lieutenant, that the qualifications required by the general orders of the Commander-in-Chief were strictly a professional examination, and would of course be conducted by professional men in the Army. With respect to the promotion of subalterns to the rank of captain, the examination to which they would be subject would not take place until after the month of July, 1852. After that period, as at present advised, all officers promoted from the rank of subalterns to that of captain would be subject to the examination laid down by his Grace the Commander-in-Chief. He was not at the present moment in a position to state in what way that examination would be conducted; but before the period should arrive when that examination would take place, ample opportunities would be given for carrying it on, and also for announcing the mode in which the examiners would proceed. With reference to the other questions, he believed that this examination would extend to all officers, whether they had served in the field or not. With respect to officers who had risen from the ranks, of course some discretion and some limitation would be re-

quired in those cases. But he must add, that from the Army being now provided with trained schoolmasters, who were capable of teaching every one of these branches of knowledge, he hoped that the day was not far distant when the officer who had risen from the ranks would be perfectly competent to go through any examination of the kind now proposed.

MR. SMITH O'BRIEN.

MR. MONSELL wished to put a series of questions to the right hon. Gentleman the Secretary of State for the Home Department relative to the treatment of Mr. Smith O'Brien in Van Diemen's Land. The questions were—whether Mr. Smith O'Brien was allowed to procure for himself, at his own expense, such articles of food and clothing as, although they were not provided by the Government, were necessaries to a person with the previous habits which belong to his station in life? Whether he was consigned to solitary imprisonment, and, by the instructions to which he was subject, every person in the island forbidden, upon pain of instant removal, to hold any intercourse with him, except such as was absolutely unavoidable? Whether the Controllor General, Dr. Hampton, gave the catechist strict injunctions not to come near Mr. O'Brien, unless sent for, and then to converse with him only on professional subjects? Whether a passholder who was in Maria Island on Mr. O'Brien's arrival was sent away from the island by Dr. Hampton when it was discovered that the passholder came from the neighbourhood of Mr. O'Brien's house? Whether, except for misconduct, any other convict was sentenced to solitary confinement? Whether, in the event of any relaxation of the rules to which Mr. O'Brien was subjected, on account of the state of his health, having been made, he would, on being restored to health, be again placed in a position which experience had shown to be injurious to his health, if not dangerous to his life?

SIR G. GREY said, it was quite impossible for him to answer in all cases questions involving such points of minute detail as had been put by the hon. Gentleman. He would, however, give a general outline of what had taken place in Van Diemen's Land in this case. As he had stated the other night, when Mr. Smith O'Brien and the other prisoners from Ireland reached Van Diemen's Land they were offered tickets of leave upon the ordi-

nary conditions, provided they would engage not to make use of the privilege in order to attempt to escape. This was a most unusual indulgence to be granted to these parties. The tickets were accepted by all the prisoners except Mr. Smith O'Brien, who declined to enter into any engagement that he would not endeavour to escape. After he had refused the ticket of leave, the regular alternative would have been that he should be in the same position as any other convict sent out under sentence of transportation, and that he should proceed to one of the penal stations to be employed at hard labour. A more lenient mode of proceeding, however, was adopted towards him. He had been sent to the station at Darlington, on Maria Island, placed in some vacant officer's quarters, supplied with a special ration, and with an officer's allowance of light and fuel, relieved from all coercive employment, and left to take exercise within 200 yards of his quarters at any time he might choose between sunrise and sunset. He had complained that he was not allowed such ordinary indulgences in diet as tea and sugar; but it turned out that he drew a liberal ration, including tea or coffee and sugar. Finally, he complained that facilities were denied him for spiritual advice or consolation; but it appeared that not only were the services of the religious instructor at the station—a gentleman properly trained for his duties, although not in holy orders—always available to him, but that the Lieutenant Governor had granted access also to the Rev. Mr. Dobson, upon condition of his conforming to the established rules of all prisons, that he should not make himself a means of unauthorised communication with other persons; and further, the Bishop of Tasmania was, of course, granted immediate admission to the prisoner upon expressing his wish to that effect. He was quite aware that a strong feeling existed in Ireland on this subject; but he believed that very gross exaggerations had in many cases been made of the treatment to which Mr. O'Brien was subjected. He would refer, however, to a letter which he had observed in the *Times* of that morning, written by Mr. Shaw, a gentleman who seemed to be well informed on the subject, in which he stated, from his knowledge of various circumstances, that the Government had acted with the greatest lenity towards Mr. Smith O'Brien, and that he was enjoying mildness of treatment quite

unprecedented. He had only to state, further, that all the information he had on the matter showed that the Government and the authorities in Van Diemen's Land had endeavoured to discharge their duty without any severity, and that, indeed, if they were liable to any charge whatever, it was to the charge of having shown too much lenity towards the prisoner.

SUPPLY—EDUCATION (IRELAND).

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. G. A. HAMILTON said, perhaps he ought to apologise to the House for having interposed on a Motion of Supply, and he had done so reluctantly; but the House would bear in mind that, under the present arrangement of business, every day in the week but one is occupied by orders—that the question which would arise upon his Motion had reference to the distribution of a vote, and may affect the course which Members may take on that vote; and further, that it is a subject of deep importance, and has excited a deep interest both in the House and among large and respectable classes, both in England and Ireland. Before entering upon the question, he was desirous of clearing it of some difficulties. In the first place, he was anxious to explain to the House that he was not going to raise or discuss the subject of education generally. It was not necessary for his present purpose to do so. Neither was he about to make any attack upon the conduct of the National Board or its operations. Whatever might be his opinions with regard to the principles on which that system was established—and he would not deny they were strong—it was not his intention to state them then. His object, and his only one, was to state, or rather restate, the hardship and injustice under which 1,730 out of 2,040 educated gentlemen—and they the clergy of the Established Church—together with the great body of the laity of the same denomination were suffering in the matter of education in Ireland, and the constraint that was sought to be imposed on their conscience—to represent the anomalous and most objectionable position in which the clergy of the Church in Ireland were left in regard of education, and to appeal to the common sense and justice of the House of Commons to set them right. He was quite ready to admit the difficulties

with which the question of education was beset in both countries, and the special difficulties which appertained to it in Ireland. He felt as strongly as any one the necessity of forbearance and toleration under such circumstances; and he thought it the duty of every one to evince, as far as possible, a disposition to acquiesce in, and soften down, and overcome, rather than to aggravate, difficulties. And if this was so with others, he would go further and say it was peculiarly incumbent upon the clergy of the Established Church. Obviously it must be their feeling, and their disposition, and their interest, to be in friendly relations rather than in antagonism with Government. The clergy of any Established Church are the natural supporters of Government; and of course there were circumstances in Ireland which were likely to make the clergy of the Established Church there peculiarly anxious, as far as possible, to conciliate the Government. Now, he thought he had said enough to show that in looking into this question, and endeavouring to argue it, he appreciated its difficulties and the obligation on the part of those whose cause he advocated to make every possible concession to the policy and views of Government. In consequence of the very difficulties to which he had alluded, great sacrifices of opinion and concessions had been made of late years to meet the conscientious scruples and convictions of different denominations in both countries in the matter of education. Formerly education was considered to belong exclusively to the clergy; and a system of church education was the only one encouraged by the State. Now, State education in both countries is denominational. In England avowedly so. In Ireland practically so. In England, the only indispensable requirement now is a religious basis; formerly it was church education; then, in deference to Dissenters, a system was permitted, as regards them, based upon the Scriptures, but not requiring the distinctive doctrines of the Church. And now, in deference to the Roman Catholics, the use of the Scriptures is dispensed with as regards them, and the only requirement is, that their education shall be based upon religion. Accordingly, in England the utmost tolerance is extended to all—Churchmen teach their peculiar tenets, and the schools of Roman Catholics are essentially distinctive. The English system is, therefore, now a denominational system. He wished to guard himself

against being supposed to give any opinion of his own with regard to the advantages or objections of the denominational system; he was merely stating what was the fact in England. In Ireland the national system, though intended to be united, is now really a denominational system also. In the year 1847 there were 4,088 schools under the national system: of these no fewer than 2,505 were under the patronage of Roman Catholic clergymen, 384 under the patronage of ministers of the Presbyterian religion, and 96 under clergymen of the Established Church. The rules of the board provide all the means for making the national system denominational where the patrons and parents agree. In every case the patrons are given the right of appointing such religious instruction as they shall think proper, either during the fixed school hours or otherwise, provided that no child shall be compelled to receive or be present at any religious instruction which his parents object to. If a school be a vested one, the pastor has a right to teach the children their religion in the schoolroom. If it be not a vested one, the patron may appoint religious teaching in the schoolroom. Who can doubt, knowing the high grounds taken by the Roman Catholic Church in that country with regard to moral and religious teaching, and knowing also the uniformity of opinion and action which characterises that Church, who can doubt that in the 2,500 schools under the direction of Roman Catholic clergymen, the distinctive tenets of their Church are taught? In other words, who can doubt that the schools under Roman Catholic patrons are denominational schools? On the other hand, it is equally certain that the 400 schools under Presbyterian clergymen are Scriptural schools, and denominational as regards their religious teaching. But while the national system of education is so framed as to be, in point of fact, denominational as regards Roman Catholics and Presbyterians, it excludes the great body of the clergy and laity of the Established Church. While, in 1847, only 96 of the clergy of the Established Church were patrons of national schools, in the petitions which he had presented to the House, 1,730 of the clergy, out of 2,040, and more than 70,000 of the laity, declare again, in their deliberate judgment, that they entertain conscientious objections to the system, and are unable to join it. Now, he would ask the House, putting aside all party and sectarian feeling, see-

ing that in England you allow the clergy of the Established Church to establish church schools — seeing that you allow Dissenters to establish dissenting schools, and to teach their distinctive tenets, and Roman Catholics to establish Roman Catholic schools, and to erect their distinctive symbols, and seeing that in Ireland you have also in fact a denominational system, admitting Roman Catholics to have Roman Catholic schools, and Presbyterian schools, in which their doctrines are taught — is it reasonable, is it tolerable, that the clergy and so large a number of the laity of the Established Church, should be excluded from the advantages of the national grant by reason of their conscientious objections? — and, what is more important still, that the Church should be separated from the system of national education? Perhaps it would be unnecessary for him to go further, perhaps it would be enough for him to rest the case upon the fact of there being conscientious scruples, and he believed the sense of justice would lead the House to declare that the conscientious scruples of such a body of persons were entitled to respect and attention. But he would not be doing justice to the case if he was to refrain from showing that the scruples so entertained were not unreasonable. He would state to the House what the system of education is which the clergy of the Established Church do patronise, and by reason of their patronising which, they are excluded not only from any portion of the public grant, but are likewise most unjustly excluded from any share of Government patronage or favour. The rules of the Church Education Society are as follows:—

“The objects of the society are to assist schools at present existing in the country, and to establish new schools on an improved system, for the purpose of affording to the children of the Church instruction in the Holy Scriptures, and in the catechism and other formularies of the Church, under the direction of the bishops and parochial clergy, and under the tuition of teachers, who are members of the Established Church. The society will supply its schools with copies of the Holy Scriptures in the authorised version, or integral portions thereof, which shall be used in the daily instruction of every child in attendance who is capable of reading. The schools shall be free to all children whatever belonging to the parish in which the school may be situate, and having the parochial minister's approbation for attending it; and no child shall be excluded on account of the inability of its parents to pay for its instruction.”

It will be seen, therefore, that the fundamental principles of the Church Education Society are—1st. That the school

shall be under the care and superintendence of the parochial clergyman. 2nd. That the teacher shall be a member of the Church. 3rd. That the children of the Church shall be instructed in the catechism and formularies of the Church; and, 4th. That the Holy Scriptures shall be read daily by all children who are able to read. Under this system there were 1,061 schools, with 120,202 children in attendance, of whom, in round numbers, 44,000 were Roman Catholics, and 14,000 Dissenters; so that here there is in point of fact a united Scriptural system. He would ask the House was there anything in that system which it is unbecoming or improper for a clergyman of the Established Church to require as the condition of their patronage? Is it unreasonable for a clergyman of the Church of England to require, with regard to a school under his patronage, and for the principles of which he is responsible, that the children of the Church should be instructed in the catechism and formularies of the Church? Is it unreasonable for a clergyman of the Established Church to require that the Holy Scriptures should be taught to every child frequenting the school? Would any clergyman in England patronise a school in which the Bible was not made a part of instruction? Well, then, if this is the case, and if practically you have denominational schools for the Roman Catholics and Presbyterians in Ireland, is it right that what may be called the denominational system of the Established Church should be excluded? But there is a larger principle and a more cogent reason for the course which the clergy of the Church of England in Ireland have felt themselves constrained to take, than its mere reasonableness. They conceive that they are bound by solemn clerical obligations to uphold and maintain the great principle of the Reformation, that unrestricted access to the Holy Scriptures is the inalienable right and the highest privilege of every human being—a right and privilege anterior and paramount to any other authority, whether it be parental or pastoral—and that having declared at their ordination that the Holy Scriptures contain sufficiently all doctrine required of necessity for eternal salvation through faith in Christ, they vow on that solemn occasion that they are determined, by God's grace, out of the said Scriptures to instruct the people committed to their charge. Now, just observe what the rules of the national system require. In a mixed

school, when all the children are required to be present, the rules of the national system require that the Bible shall be excluded; on the other hand, when all the children are not required to be present, the rules of the national system permit the Bible to be introduced. The national system, therefore, claims and exercises a right with regard both to the permitting and forbidding the use of the Scriptures, which I confess I hold, in common with the great majority of the clergy of the Established Church in Ireland, to be equally at variance with the great principle of the Reformation, of the unrestricted use of the Holy Scriptures, and the ordination vows of every clergyman. Now this is the case of the clergy—they say we cannot conscientiously support the national system, because it violates, as we think, the great principle of the Reformation, as regards the unrestricted right of access to the word of God, and sanctions or affirms the opposite principle of the Church of Rome, which imposes a restriction upon the use of the Scriptures. We cannot support the national system, because, as we think, in doing so, we should abandon the whole principle of Scriptural education. We cannot support it, because we shall be violating, as we think, the solemn vows and duties which we took upon ourselves at our ordination. They ask you to deal with them as you deal with their brethren of the United Church in England; you say no. They ask you then to deal with them as with Dissenters in England, frame for them clauses similar to those which your council of the Privy Council have deliberately sanctioned as regards the Methodist body in England, having regard to their conscientious jealousy for the word of God. You say no. Well, then, treat them as you propose to treat the Roman Catholics in England. See that a sound secular instruction is given, and leave them in schools under their patronage to make their own rules as regards the religious education of all children who may choose to frequent those schools. No, you will not do even that. Under the plea of what you call parental authority, you frame your rules so as to disconnect the clergy of the Established Church from education in Ireland. But is that plea a valid one? Does any thing of the kind exist in England? Can the parent of a child in this country, where every right is so well understood, and so resolutely maintained—can he say to the managers of a school under the

British and Foreign School Society, "I object to my child being taught out of the Scriptures; he must be absent from school when the Bible is present there." No, you answer him, we, the patrons of this school, are responsible for its principles and rules, and we hold that every child should be instructed out of the Holy Scriptures. It is for you, the parent, on your own responsibility, to send your child, or not to send him—that is the proper exercise of parental authority. But, have parents no rights on the other side? Have parents, who value Scriptural instruction for their children—have parents, who think that a sound Christian education is that which makes directly or indirectly Scriptural instruction a part and parcel of the whole system, pervading it thoroughly, and entering in a greater or less degree into every part of it—have they no right to complain that such a thing is not within their reach under the National Board in Ireland? The rules require that the times and arrangements for religious instruction shall be publicly notified in the schoolroom—a sort of warning-board is stuck up; and they further provide that the school shall be open to all, and that no child shall be in effect excluded directly or indirectly from the other advantages which the school affords. Now, who can say at what time, or under what circumstances, a favourable opportunity may present itself to a pious master or patron for impressing religious truths, or inculcating religious lessons upon the children committed to its charge? Why, the good conduct or misconduct of a child may afford, perhaps, the very best occasion for a practical reference to Scripture; and for impressing, far more than by any stated exercise, a religious feeling or conviction upon a child's mind; and upon such an occasion the conscientious master or patron who honestly administers the rules of the board, must feel himself tongue-tied; and is it right that the parents of children who do value religious instruction are to be deprived of these advantages for their children? I say, therefore, that the plea of parental authority is an unreal one, for it is not admitted in your State system of education in England; and while you assert it as regards the exclusion of religious instruction, you do not respect it as regards the admission and introduction of religious instruction. He had now stated, as concisely as he could, the case of the clergy and Protestants of Ireland who object conscientiously to the

national system of education. Her Majesty's Government knew probably better than he did whether there are not others who do not share in some of these objections. For his own part, he sincerely believed that the national system, if really carried out according to the strict letter of its rules, would be a latitudinarian system, and as such equally repugnant to the principles of sincere Protestants and Roman Catholics. Many Roman Catholics, high in authority, do object to it; and if reports are true, the objections are not diminishing in force. I have already stated the rules admit of its being made denominational; and he believed it would be found practically that where Roman Catholics have schools they are denominational schools, in which every safeguard is used against their assuming a latitudinarian character. The House will at once see the different position in which Roman Catholics and Protestants are placed with regard to the difficulty they may have in sanctioning the system. The only difficulty a Roman Catholic can have is the fear of the school being latitudinarian. In other respects, the principles of the National Board commend themselves as imposing restrictions upon the Scriptures. But the danger of latitudinarianism may be in a great degree prevented by the school being rendered denominational. But in addition to the danger of latitudinarianism, the Protestant clergyman feels that there is an infringement upon the principles of the Reformation; and therefore while a Roman Catholic clergyman may establish a national school, by guarding against its secular tendencies, a Protestant clergyman may find it impossible to do so by reason of its antisciptural tendency. There never was a time when it would be more easy for Government to settle this long-disputed question. There are now 4,000 schools scattered over the whole country, supplying in a great degree the wants of the Roman Catholic population. If the rules of the board were now to be modified, as proposed in the address which he should have the honour just now of moving, so as to admit of the clergy of the Established Church forming schools in connexion with the system, it could not be said that ample means would not be afforded for the education of Roman Catholics who may approve of the system as at present in operation. They have had the power during eighteen years of establishing schools, and they have availed them-

selves of the power extensively. On an average, there are more than two schools in each parish in Ireland under Roman Catholic patronage, and you would get rid of the painful and discreditable consequences which follow from the present disputes. He was really most reluctant to advert to the remaining topic, which, in reference to this question, he felt it is duty to bring before the House. He had stated on a former occasion that Her Majesty's Government in Ireland had had recourse to what he must term the unworthy and discreditable expedient of endeavouring to obtain adherents to the national system, by promoting only such clergymen as declared themselves the advocates of that system. He was sorry to say the Government in Ireland were still pursuing the same course. He could give many instances, and proofs; but it was quite notorious that the first question asked of every clergyman who was a candidate for preferment in the Church was this—What are your opinions respecting the national system of education? He would mention one instance, in order to show how this system was operating. A Whig Lord, a supporter of the present Government, and himself a supporter of the National Board, was desirous of having a gentleman appointed to a living in his immediate neighbourhood, by reason of his piety and usefulness. Government offered to appoint him if he would declare his adhesion to the national system. The gentleman, though he had never taken any active part, felt it his duty to state that he was conscientiously opposed to the principles of the national system, but he offered to enter the parish unprejudiced and unpledged, there to labour, as God would enable him, for the salvation of the people; and appealing to the good sense of the Lord Lieutenant, if the candid, honest avowal of his conscientious principles ought not to be a better recommendation to his favour, than a feigned, hollow pretension of attachment to the national system. In reply he was informed that the Lord Lieutenant was pleased with his letter, and was most anxious to give him the living, but could not do so unless he was a decided supporter of the National Board. Now he (Mr. Hamilton) would ask, was this just or right? Was this doing justice to the Church? Was this allowing to the Church the free and independent action which belonged to it, and which was its right? Was this constitutional? Had Government any right to force a system upon the

country by such means as this? Was it right as regards the church people in that parish? They were deprived of the services of an honest and conscientious man by reason of the objections he entertained to the national system of education. Some years ago, when the question of church patronage in Ireland was brought before the House by the hon. and gallant Member for Middlesex, the right hon. Baronet the Member for Tamworth, then at the head of the Government, had used very strong language on this subject. He had used the following words:—

“I would be sorry to place the dispensation of church patronage on grounds so base. I wished it to be dispensed on the only justifiable grounds, that is to say, upon the grounds of ability, activity, and purity of life in the clergyman. Convinced that if preferment were made to depend upon a clergyman's subscribing to any particular opinions, or set of opinions, as a test of his fitness for preferment, all hope of success in our object, by means of church preferment, must be at an end.”

But he (Mr. Hamilton) was happy to say these attempts to corrupt the Church had not succeeded. Last year the petition from the clergy was signed by 1,595 out of 2,040 clergymen. This year it is signed by 1,730. Last year 64,000 laymen of the Established Church in Ireland approached the House through a respectful petition, setting forth the injustice under which they suffer, and praying for redress; this year the signatures affixed to the lay petition was 71,000. In addition to this, many petitions had been presented this year from parents of children attending the schools of the Church Education Society, a large number of those parents being, and calling themselves, Roman Catholics and Presbyterians, stating that they approved for their children of the Scriptural character of the Church education schools, and complaining that they have no advantage from the public grant. Now, he would again implore Her Majesty's Ministers to reconsider this important question. They would have to do so at last. The Church in both countries had a right to freedom in instruction. It could not be that the Established Church was to be the only one to which that freedom was not to be given. All other churches, all other denominations had claimed it, and their claim was allowed. The very officials of Government in the educational department acknowledge and recognise the very principle which it was his object to assert for the Established Church. What says Mr. Marshall, the Roman Catholic inspector of

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Roman Catholic schools in England and Wales, in his general report for last year, just laid on the table of the House? Mr. Marshall says—

“No one who recognises the office of the ministers of religion as the natural guardians and instructors of the children of the poor, can blame the jealous solicitude with which they acquit themselves of their special responsibilities. ‘The clergy prove that they are animated by the true spirit of their mission (said M. de Salvandy, himself the Minister of Public Instruction in a neighbouring country), whenever they evince their susceptibility in matters relating to education.’”

And it was a recent observation of the Duc de Broglie, a not less eminent authority—

“that wherever liberty of conscience is included in the catalogue of constitutional principles, there liberty of instruction must exist together with it, both by strict justice and wise policy. It is, therefore, both the duty and the constitutional privilege of the clergy to scrutinise with peculiar vigilance whatsoever affects the education of the poor, or is capable of modifying its scope and character.”

These were the deliberate opinions of the Roman Catholic inspector in England. The common sense and justice of them, he (Mr. Hamilton) thought no one could deny. He called upon the House of Commons to apply those principles fairly and justly to the case of the clergy and laity of the Established Church in Ireland, and he would not allow himself to believe that in urging so just a cause he could fail in being ultimately successful.

Amendment proposed—

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that such a modification of the system of National Education in Ireland may be made as may remove the conscientious objections which a large proportion of the Clergy and Laity of the Established Church entertain to that system as at present carried into operation; or otherwise, that means may be taken to enable those of the Clergy and Laity of the Established Church, who entertain such conscientious objections, to extend the blessings of Scriptural Education in Ireland,’”

instead thereof.

MR. WALPOLE said, he had great pleasure in seconding the Motion: first, on the ground of justice, and secondly, on that of policy. As an act of justice it was due to a loyal, faithful, and devoted set of men, that the assistance which was extended to others so liberally, should not be withheld altogether from them. As an act of policy, he firmly believed that the very system of education which the Government wished to establish would be better

carried out by acceding to this Motion, than it would be by refusing it. In considering the justice of the case, it should be borne in mind that they were now undertaking the great national duty of educating the people of this country, not merely through the medium of public institutions, but also by the aid of the national funds. That being so, it was positively incumbent on them to see that the principles on which they proceeded were perfectly fair, sound, and just; and when they had ascertained those principles, they were bound to apply them equally and equitably to every part of the kingdom. Now, the policy which they had pursued with regard to England, was totally different from that which they had pursued with regard to Ireland. The system adopted in England was based on religious toleration; that adopted in Ireland, if not based upon, at least had resulted in, religious exclusion. In England, the Government extends its aid to the various religious bodies of different denominations, proportioning only the amount of that aid to the contributions and exertions which they make for themselves. In Ireland, the case is quite the reverse. There the Government has confined its aid to one combined and exclusive plan; and the consequence is, and always must be, that, with regard to the daily condition of the schools, there is no religion as part of the system—no competition among those who belong to them—and no toleration towards those who differ. Such a system we should not endure for one moment. But, when it was proposed, some years ago, to establish in this country a united system, like the national system of Ireland, the Government resisted the attempt, alleging most truly that any such system must necessarily fail. The Government were giving to Dissenters in England a part of the public funds for educational purposes, while it was refusing such assistance to the members of the Established Church in Ireland. Could such a system be just, and if it were not just, ought the House of Commons to sanction its continuance? In considering the question as one of policy, he had no doubt that the system carried out in Ireland was proposed with the most worthy object, namely, that of giving a united instruction to children of all creeds, in order that they might grow up together in peace, harmony, and goodwill. If he thought such an object could be accomplished by means of the national system,

he would support that system; but the attempt had failed, and he believed that any similar attempt would also fail. On this point he spoke confidently, having compared the results of the two systems now in operation in Ireland. The church schools had succeeded admirably where the national schools had signally failed. The national schools had failed, because one of two things must always happen under such a system of education. They must either exclude religion altogether from the school, as a part of school teaching, or else they must allow it with separate tutors, on separate days, set apart for the purpose. By shutting out religion altogether, they would alienate those who thought religion ought to form a part of education; who thought it dangerous to plant the tree of knowledge unless you permitted the tree of life to grow along with it. By separating religious education from secular, they would show, in a more striking manner, the points of disagreement; and hence an impression would be produced on the minds of the children, that whatever agreement there might be between the two parties in secular matters, on religious subjects, and on those alone, there was nothing between them in common. In the church schools a united system of education had been carried out; and, whilst in eleven-twelfths of the national schools united instruction had not been secured, what was the result with regard to the church schools? In the year 1839 the number of church schools was 825; the number of children on the rolls was 43,627, of whom no less than 10,868 were Roman Catholic children. In 1844 the number of schools had increased to 1812; the number of children on the rolls was 104,968, of whom 13,668 were children of Protestant Dissenters, and 32,834 children of Roman Catholics. In 1848, when were made the last returns, there were 1,861 church schools, and 120,202 children, including 15,713 children of Protestant Dissenters, and 46,367 children of Roman Catholics. So that in point of fact, nearly a moiety of the children belonged to the Roman Catholic population of Ireland. One other observation forces itself upon us. In the year 1831 the old system of education was abolished on the ground that it was exclusive, and the present system was substituted for it. Previous to that period scriptural education was the general rule from which there was no exception. In order to carry out a united system, which he had shown

to be impossible under Government grants, another exclusive plan had been in effect reared in the place of that which was destroyed; but here is the difference, the exclusive plan which prevailed prior to 1831 was an exclusive plan based on scriptural education, whereas the exclusive plan now embodied in the national schools was a plan from which the Scriptures were practically excluded. That was a marked distinction; and can it be right? All that was asked for by this Motion was, that the members of the Established Church in Ireland should have the same advantages with regard to education as were enjoyed by the Roman Catholics and Dissenters in this country, and to the funds which were granted for that purpose. Was there anything unreasonable in such a request? Let them endeavour to assimilate the practice, the principles, and the regulations by which the schools of the whole empire were administered. Let them, in this, as in everything else, make England and Ireland as near as possible identical.

"Ego vero hoc cupio, ut in hæc re et omnibus aliis,

Quam maximè unam facere, nos hanc familiam, Colere, adjuvare, adjungere."

Seeing then the proposition submitted to the House was better calculated to unite the children of various creeds in one school than the miscalled national system was doing in Ireland; and seeing that it is due to our own 'Church in Ireland to confer upon them the same assistance as that which is conceded freely and liberally to those who dissent from it here in England, he could not but wish that the Motion should be carried, if they had any regard for fairness and consistency, for prudence and policy, for equity and justice.

SIR W. SOMERVILLE said, the hon. and learned Gentleman, in his eloquent address, had stated that it was not the intention of his hon. Friend the Member for the University of Dublin to supersede the existing system of education in Ireland; it was because either of the alternatives proposed by his hon. Friend would have the decided effect of superseding the existing system, that he (Sir W. Somerville) would ask the House not to give their assent to the Motion. Before he offered any observations on the speeches of his hon. Friend, and of the hon. and learned Gentleman who had just spoken, he would ask the House to consider what was the system which his hon. Friend proposed to supersede. Notwithstanding what the hon. and

learned Gentleman the Member for Midhurst said, the national system of education professed to be, and in his opinion actually was, an united system of education. Hon. Gentlemen who were conversant with the history of Ireland must remember the various abortive attempts that were made to establish an united system; and it was not until the present was introduced by Lord Stanley, to whom the country was under the deepest obligations for it, that the sympathies of the people of Ireland had ever been enlisted in favour of a system of education established in that country. The system had now been in operation 18 years, it had extended its roots far and wide, thousands of schools existed under it, and hundreds of thousands of scholars received the benefit of it, and it was not alone an ordinary species of education which it afforded; but many kinds of industrial education, most useful, were taught, to the great advantage of the poor people. What, then, was the modification his hon. Friend proposed? He thought it might be gathered from that paragraph of the petition which his hon. Friend had presented, signed by 1,730 of the clergy of the Church of Ireland, which spoke of—

“The avowed concession to the authority of the Church of Rome in the Holy Scriptures being excluded from the supposed national schools during the hours of attendance.”

But the modification which the hon. Gentleman would so propose would be the compulsory reading of the Scriptures in the schools connected with the National Board. Now he (Sir W. Somerville) denied altogether that the Bible was excluded from them. The Bible might be and was constantly read in them, but the rule was that no child should be compelled to read the Scriptures or attend any religious instruction without the consent of its parent. Respect for the rights of conscience was the foundation of the present system, and the moment they invaded that principle, the system would fall to the ground. He had the highest respect for the clergy of Ireland, and he wished they had taken a different view of this system—it was a great misfortune and a great mistake that they were so opposed to it. It was a great misfortune to the people of the country and to the Established Church itself; but there was no reason to suppose, when the system was established, that it would encounter the hostility of the Church; for the system of the non-compulsory reading of the Scriptures was adopted in the

University of Dublin, in the workhouses, and in the gaols. His second objection to the resolution was the proposed substitution of what was termed “the denominational system” in place of the present. If they had a separate system as regarded the Established Church, they must have a separate one for the Roman Catholic Church, another for the Presbyterians; nay, it was not clear that they must not also continue their grants to those who were in favour of an united system; and then, what would be the state of the poor Protestants who were thinly scattered over the southern and western districts of Ireland? His hon. Friend had asserted that the Roman Catholics of Ireland were not in favour of the united system. His (Sir W. Somerville's) opinion was that the great body of them were in favour of it. If they were not, their opinions had greatly changed; for on a former occasion, when his hon. Friend made the same assertion, he had stated that one of the objections of the united Catholic body to the establishment of Maynooth was that the system would not be an united system. He thought, too, it was not fair to say that those clergy of the Established Church who were in favour of the present system acted in opposition to their ordination vow, or upheld a system they thought unsafe. His hon. Friend said he approached this question with moderation, and was aware that great allowance should be made for difference of opinion on this delicate subject. He (Sir W. Somerville) could not help thinking, when his hon. Friend applied those expressions to Gentlemen who differed from him in this respect, many of whom, he must know, were most religious and conscientious men, that he must have forgotten the rule he himself laid down.

MR. G. A. HAMILTON said, he never meant to impute to those who conscientiously approved of the national system, that they were regardless of their ordination vows; but he said that those who were opposed to the national system were opposed to it, among other grounds, on this, that they considered that to adopt it would involve a violation of their ordination vows.

SIR W. SOMERVILLE was sorry if he had mis-stated anything his hon. Friend had said. His hon. Friend had also alluded to the mode in which the Lord Lieutenant had bestowed his patronage in reference to this subject; but he must say that he did not think it surprising that, when men of equal piety looked to the patronage

at the disposal of the Crown, those should be chosen who were favourable to the system which the Lord Lieutenant thought essential to the well-being of the people of Ireland. He differed, too, from the hon. and learned Gentleman the Member for Midhurst in supposing that the Motion of his hon. Friend would not have the effect of superseding the entire system of national education in Ireland. He believed that such would be the effect; and, considering that that would not be conducive to the interests of the people of Ireland, and considering, also, the good the present system had distributed throughout the country, he hoped the House would not assent to the Motion.

MR. NEWDEGATE said, the right hon. Gentleman had assumed that the adoption of his hon. Friend's Motion would supersede the national system of education in Ireland. He did not think they were precluded by any single allegation in the petition from so modifying the distribution, and so altering the mode of management of the grant for educational purposes in Ireland as to enable those who conscientiously objected to the existing system to introduce such alterations as seemed to them desirable and necessary. He asked the right hon. Gentleman the Secretary of State for the Home Department, whether he considered it impossible to frame some system which would meet the objection of the Church Education Society? He maintained that there was no difficulty whatever in doing so. The Church Education Society in Ireland claimed to be treated in the same manner as the Church of England was treated through the grants to the National Society, and had been refused. It claimed to be treated as the Dissenters of England had been, and were, treated in the British and Foreign School Society, and had been refused. It claimed to be treated in the same way as the Roman Catholic minority in England was treated in the Poor-school Committee, and it had been refused. There were three propositions, either of which the Government might adopt without impairing the usefulness of these schools in Ireland; and their refusal to accede to any of them showed that the conduct pursued by the Government in Ireland was inconsistent with the conduct they pursued in England. It appeared that, after an experience of 18 years, no less than 1,700 out of 2,000 clergymen, and 72,000 of the laity, had petitioned against the present system. They believed

that, to withhold the word of God, was essentially to serve the people; for "man lives not by bread alone, but by every word that proceedeth out of the mouth of God." He maintained that the conduct of the Government in practically excluding religious teaching in these schools, was inconsistent with the repeated decisions of the House against irreligious education. The rules of the Irish Board provided that the Bible, during the regular school hours, should be excluded if the parent of one child out of 100, or out of 1,000, demanded it; and although the parent of every other child prayed for the use of the Bible, the patron was empowered, nevertheless, to exclude the Bible from the schoolhouse. If the modifications prayed for were agreed to, he contended that it would not in any way supersede these schools; it would be merely a concession to the religious scruples of the Church of England which it was fairly entitled to claim. The rules and regulations which had been framed for the management of the national schools, were not strictly in accordance with the letter of Lord Stanley; and, in their evidence before a Parliamentary Committee in 1835, Mr. Blake and Mr. Wyse, two of the Government Commissioners, admitted that such was the fact. Why, so strong was the feeling of the noble Lord at the head of the Government as to the importance and necessity of respecting the religious scruples of others, that he would sacrifice to it the Christian character of that House to admit a gentleman of the Jewish persuasion, who, he had good reason to believe, did not represent the feelings of the Jewish community in this country, although the entire number, out of a population of 29 millions, was only 40,000. But take the whole 40,000 Jews, and they were not half the number of members of the Established Church in Ireland who prayed to be relieved from the present system. If the noble Lord was ready to make such a concession for the sake of a single member of the Jewish persuasion, he maintained that he was doubly bound to make some concession to the religious scruples of the large body of the Established Church in Ireland. It had been urged by some, that because the Church in Ireland was possessed of some property, that, therefore, she ought not to be allowed to participate in grants of the public money, although those grants were drawn from the taxes to which they contributed so largely. Yet the Church of England,

which was much more wealthy, was not barred from public grants on that account; and, therefore, wealth was not considered a disqualification in their eyes. But he had much stronger evidence on that point. Where was the evidence of any poverty of the Roman Catholic body? It was in vain for them to talk of the poverty of the Roman Catholics, when he saw around him springing up every day colleges, monasteries, convents, cathedrals, and schools. Let them not, then, plead poverty as the ground of exclusion, because that religious body had a large and increasing property, as was evident to their eyes; and when they granted to the Roman Catholics a system of education on terms of their own dictation, it was in vain for the Government to come forward and say that the Irish Church should not participate in the bounty of the State for educational purposes. It could not be truly urged that those restrictions which constituted the system were necessary to prevent Protestant ascendancy in Ireland. For, in the same breath, they declared by their acts, that the Protestants were so few, and the Church had so few communicants, that, far from fearing her power, her teaching the opinions of those in communion with her might be safely disregarded. In fact, many of the hon. Members in that House urged that the Church should be altogether abolished, because it had so few adherents. It was pleaded in favour of the Jews, that, although wealthy, they did not seek ascendancy, and might, therefore, be safely admitted to legislative power. Look, on the other hand, at the Roman Catholics. Was there no fear of Catholic domination in Ireland? The Roman Catholic body sought ascendancy; but their doing so was no disqualification, according to the English practice. He contended that the compulsion exercised by the Roman Catholic priesthood upon the Government of the day was the cause of the present system being carried out. Why, it was shown by Lord Stanley's letter that it was the free use of the Scriptures which made the Roman Catholic priests seek the destruction of the Kildare-street School system; and that they had effected. Did not that show clearly the dominant spirit of the Catholic clergy, and had not the Roman Catholic Church lately declared herself dominant in Malta? He called upon that House—the majority of which were connected with the Church of England—and he appealed to them as a Christian State, to restore the

reading of the Scriptures to those schools. There was no difficulty in so modifying the system as to meet the case of the Church Education Society as a separate denomination: 1. As regarded vested schools. A separate form of trust-deed should be prepared for schools in connexion with the Church Education Society, permitting the patron to enforce the reading of Holy Scripture, but prohibiting the use of catechisms or other books of peculiar religious instruction, except on one day in each week. 2. With regard to non-vested schools. The rules respecting religious instruction to be cancelled. Thus leaving each patron or manager at liberty to give such religious instruction as he may deem proper. They fancied that the corn laws stood in the way of the people obtaining an ample supply of food. He differed from those who entertained that opinion. They swept away the corn laws, as they said they offered restrictions against the food that sustained the body of the people. He said that they had no right to refuse now to give to the members of the Church of Ireland that sustenance of the mind which they asked for, unless they sacrificed the free use of that holy Book which they believed to be essential as the means of their salvation. For these reasons he would support the Motion of his hon. Friend the Member for the University of Dublin.

MR. E. H. STANLEY: Sir, I may be permitted to assure this House—I am certain that it is not necessary for me to assure either my hon. and learned Friend the Member for Midhurst, or my hon. Friend the Member for North Warwickshire—with what real reluctance, with what deep and sincere regret, with what unfeigned diffidence and distrust in my own judgment and in my own abilities, when weighed in the balance against theirs, I find myself compelled—notwithstanding addresses whose ability requires no tribute from me—notwithstanding objections whose validity, to a certain extent, I admit, while at the same time believing those objections to be overruled by other and more weighty considerations of national policy—to record my vote in opposition to the resolution of the hon. Member for the University of Dublin; and in defence of that system, justly, I believe, called a system of national education in Ireland, which is now supported, but which was not originally framed or introduced, by the Members of Her Majesty's present Government. Sir, when hon. Gentlemen recollect by whom

it was that that system was originally introduced into Ireland, they will not, I hope, accuse me of undue presumption if I venture to address to the House a few words in its defence; and remembering as I do that the resolution of the hon. Gentleman is based upon the principle of toleration for opinions conscientiously entertained, I hope that I, too, may be permitted to claim the benefit of that principle, and that he will extend to me his toleration for that conscientious difference of opinion which on this subject exists between us. Sir, I confess that I was a little surprised by some of the arguments employed by my hon. Friend the Member for North Warwickshire as against the national system. My hon. Friend concurred in the opinion expressed by the hon. and learned Member for the University, that the system established in 1832 was irreligious—unscriptural, and therefore ought never to have been established. Now, these are very weighty objections, and such as well deserve the attention of the House; but having heard them urged, and having heard my hon. Friend the Member for North Warwickshire express his full concurrence in their justice, I certainly was not a little astonished when my hon. Friend proceeded to take another ground of objection against the proceedings of the present and of other Governments, and to object to the policy which they had pursued, not because they had adhered to this irreligious, unscriptural, objectionable system, but because they had departed from it. My hon. Friend first complained that the system had been established; and then he changed his ground and complained again, not that it had been established, but that having been established, it had been departed from. I must say, Sir, that these two objections seem to me a little contradictory the one of the other. Again, I have heard it stated in the course of this debate, that the Bible has been altogether excluded from the national schools in Ireland. Now, I must say that I entertain very great doubts as to the accuracy of that statement. I have been looking very carefully into the reports of the Commissioners appointed to examine into the rules and the mode in which education is disseminated in the national schools, and I find from those reports that the only sense in which it can be said that the Bible is excluded is this—that when Scriptural instruction is given, the Roman Catholic children, the parents of those children, have the option

of saying that they shall not attend. Now, I confess I do not see how this can be called an exclusion of the Bible; and, considering that the resolution is grounded on the principle of toleration to all conscientious opinions, I very much doubt if that principle would be strengthened by any regulation making it compulsory upon Roman Catholic children to attend during the reading of the Scriptures. Sir, I think that in discussing a plan of national education it is a matter of some importance to consider two points, neither of which I have yet heard alluded to in this debate: first, what was the system superseded by that now in existence; and next, if you abolish the existing system, what is it that you propose to substitute? I will, with the permission of the House, endeavour to show the intention and the spirit in which the national schools were instituted. I find a statement made by the Secretary for Ireland in 1831, in the debate which took place on the establishment of these schools, from which I will read an extract:—

“The opinion expressed by the Commissioners of 1812, is that no plan of education for Ireland, however wisely contrived in other respects, can be carried into operation, unless it be an avowed part of it that no attempt shall be made to disturb the peculiar religious feelings of any sect in the country. Their report, therefore, is in favour of the expediency of devising some system of mental instruction, from which all suspicion of a wish to convert the children should be banished. In every word uttered by the Commissioners of 1812, the Commissioners in 1824 and 1825, the Committee of the House in 1828, and the Committee of my right hon. Friend (Lord Monteagle) in 1830 on the state of the poor in Ireland, all concurred.”

Well, then, it appears, that from 1812 down to the establishment of the present national school system, there has been a general and unanimous concurrence of opinion that no system could ever be expected to succeed which was founded upon a principle of proselytism. Sir, in order to ascertain how far the then existing schools complied with those terms of acknowledged necessity, I must go back to a somewhat earlier period. Previous to 1786, I believe it can hardly be said that any general system of education existed in Ireland. In 1786 a society was founded in Dublin, on very liberal and tolerant principles, but of small extent; and, however useful as a local institution, yet not possessed of sufficient funds or of sufficient influence to entitle it to be called a national society. On the principles of this society was established, in 1811, an-

not entertain a shadow of a doubt. As I have said before, I have not heard of a single proposal that can be considered as an effectual substitute for these schools. What are the means of education it was possible to give? It is certainly possible to give a merely secular education; but that I apprehend hon. Gentlemen on this side the House would hardly desire. It is equally possible to establish schools for the exclusive benefit of Protestant children. That, I assume, is not desired by hon. Gentlemen, and, at all events, would not be endured by the people of England. What, then, is the alternative? Only one. We have it in our power to follow the system which, under different circumstances, is carried out in England—I mean that of establishing separate schools for Protestants and Roman Catholics. I think that the one objection to that system, that it does away with the principle of combined education, is in itself very important; but I have another objection to the proposal before the House, and to which I think the hon. Member himself will attach much importance. In those parts of Ireland with which I am acquainted—I will go further, and say that as regards two-thirds of Ireland—throughout that wide-spread country in which the Roman Catholic population possess a predominating, I will not say an overpowering, majority over the Protestants, if we attempt to establish separate schools of Protestants and Roman Catholics, the effect will be to deprive the Protestants of any education at all. In those parts where the Roman Catholic population is as 10 to 1—in Tipperary, where they are as 20 to 1, it would be impossible to get a sufficient number of Protestant children together in order to establish such a school, unless we can induce them to come from twenty miles round. It is utterly impossible, therefore, to establish with advantage any other system than that which now exists. Such a plan as has been suggested would be utterly impracticable. I, therefore, think I have succeeded in showing that the present system of education in Ireland is decidedly the best that, under the circumstances, can be adopted.

LORD J. MANNERS would venture to suggest, with reference to the line of argument taken in the eloquent speech of the hon. Member for King's Lynn, that the real point for the consideration of the House was not the respective merits or demerits of any system heretofore or now established in Ireland. It had, but a few

days ago, been decided by an overwhelming majority, that an Irish institution which had long existed should be abolished; and that vote was given on the ground that Ireland and England should be assimilated. If the question now under discussion were viewed as a Church question, he might remind the House, that throughout Irish history it appeared to have been thought a matter of great moment to assimilate the Churches of the respective countries. That was the object of the greatest statesman that ever administered the affairs of Ireland; and it was permitted him so to assimilate the Churches, which had since remained the same in doctrine, discipline, and formularies. But by setting up a distinct system of education in England and in Ireland, they took a course tending to disunite those Churches. The difference between education in England and education in Ireland was very perplexing. His hon. Friend, who had just spoken with so much ability, argued, that if the supporters of the Motion were not prepared to propose a substitute, they ought not to propose the abolition of what was already established. If he (Lord J. Manners) thought that, by voting for the Motion, he was doing anything to destroy the national system of education in Ireland, he should not vote for the Motion; but the right hon. Secretary for Ireland did not apprehend that such would be the result if the Motion were carried. For himself, he entertained great doubts as to the alleged fact that the present system was really or virtually a combined system. Reasoning *à priori*, he should come to the conclusion that a combined system, which the religious feeling of the people would not tolerate in England, would not be tolerated in Ireland. That opinion was confirmed by actual experience of facts. If there were any town where a combined system might be fairly carried out, it was the town of Armagh, the residence of a Roman Catholic Archbishop, and one of the Commissioners under the system of national education, and also the residence of Dr. Henry, the Commissioner representing the Presbyterian body. But the schools in Armagh were known by the name of Dr. Croly's School and Dr. Henry's School; and when he (Lord J. Manners) went over the schools there was not a Presbyterian or Episcopal child receiving education in Dr. Croly's School, nor was there a Roman Catholic in Dr. Henry's School. By acceding to the Motion, the House would put

an end to this difference of treatment, and would conciliate the affections of a great, loyal, and peaceable body of subjects in Ireland. An indirect advantage of importance would also be secured. The hon. Gentleman who opened the debate made an assertion which was uncontradicted and unrefuted, though an attempt had been made to mitigate its force, that Her Majesty's representative in Ireland was in the habit of making an unqualified cordial support of the national system of education a condition in the distribution of Church patronage. That was a baneful, almost an immoral exercise of power; nothing could be conceived more destructive of all that men held dear than an intimation from Her Majesty's representative to a poor curate, that, whatever his qualifications, he must, in the first instance, do despite to his strong religious convictions, and support that system which he honestly believed to be erroneous and inconsistent with his ordination vows. Such an administration of patronage was not only unjust but impolitic. The man who received that intimation left the presence-chamber surrounded by an atmosphere of dignity and heroism. He must take rank with those who agreed in his views, if not as a martyr, at least as a confessor; and by such insane policy the Government swelled the ranks of those who opposed the system. If the Motion were acceded to, the Government of the day would not be exposed to the temptation he had described; and it would be a matter of indifference whether a clergyman agreed with them or not on the education question. The main objection that had been urged to the proposition of his hon. Friend was, that the conscientious scruples of the clergy were unfounded and untenable, and ought to be abandoned. The gentlemen who said that, however, were just those who were perpetually vindicating the rights of conscience, and laying it down as an incontrovertible rule, that no man should be compelled to do that from which his conscience dissented. In fact, the inconsistencies of these gentlemen might be multiplied *ad infinitum*. In one breath they said that the State could not devise a system of education which ought to be given to all the children of the State; in another, they said that the State could invent such a system. In one breath they asserted that the State, in granting money for educational purposes, was bound to consult the conscientious opinions of all; in another, that the State was bound annually

to disregard the honest, religious convictions of a great portion of its subjects. For himself, he could not think that the English Church ought to be indifferent to the claims of her Irish sister; and he could not pass over the fact that 1,700 of her clergy, headed by the venerable Primate, and 70,000 of her attached laity, felt the present system to be a serious invasion of the rights of conscience, and a sensible oppression upon them. It was no answer to their complaint to say that the system was working well elsewhere, and was not objected to by other parties. Granting that it was so, all they asked was, that facilities should be afforded them for educating their own children according to their own religious convictions. That was the question which the House had to decide; and it was one that depended, not upon the respective merits of this or that system, but upon the plain and simple view of justice which had been so well put by his hon. and learned Friend the Member for Midhurst. As a sincere advocate of the union between the two countries, as a lover of justice, and a hater of all oppression and all systems of corruption and oppression, to which he thought the rigid maintenance of the present system undoubtedly led, he should give his cordial support to the Motion.

Mr. W. FAGAN so far agreed with the noble Lord as to say that the Church Education Society should receive part of the grant of the public money made by this country, on the same ground that Church education in England received a similar grant. But he believed that such a change as was proposed in the system of education in Ireland would be exceedingly dangerous. He could understand how the public money in this country should be distributed among the national schools, and the British and Foreign Society's schools; but he was sorry to say, both from his own knowledge and from the admission of the hon. Member for the University of Dublin, that the case was widely different in Ireland; for there the system of proselytism was extensively prevalent. In his own district he had heard Roman Catholic clergymen complain—and the hon. Member for the University of Dublin had confirmed the cause of their complaint, by saying that more than half the children educated in these schools were Roman Catholics. It appeared to him that there were special grounds for objecting to the proposition. If the proposition of the hon. Member for

the University of Dublin were admitted, the House could not refuse grants of money to Roman Catholics exclusively. There were religious communities in the Roman Catholic Church, who were bound together by the most sacred vows religiously to instruct the poor at all hours. Those religious communities could not, in consequence of their religious views, accept the national grant under the conditions with which it was given. But if the Motion of the hon. Member were passed, those communities, with others of the same character, would receive the grant, which they could not now receive because they were bound by their vows to imbue at all hours their pupils with the doctrine of the Roman Catholic religion. The plain fact was, that the ratepayers, from whom the means of education must be raised, belonged to all denominations of religion, and that being so, it was impossible to provide, from the public resources for the use of all, any but a mixed system. Under the rules and practice of the present system in Ireland, there was abundant provision for the religious education of all classes. [The hon. Member here entered into details of the relative numbers of Catholics and Protestants in Ireland, and the number of schools in which the Scriptures were read and not read in school hours.] The mover and seconder of the Motion had contradicted each other as to the fact of the Roman Catholic clergy being opposed to the national scheme. The working of that system was giving an excellent scientific and literary education; and he denied the allegation that the Lord Lieutenant had used his church patronage to aid the national system by dispensing it to those only who would support that system. The bishops had the largest share of patronage, and the Lord Lieutenant but little in comparison, and it was not likely he would so use it. He felt it his duty to oppose the Motion.

SIR W. VERNER had never considered this important subject as a matter of dispute between contending parties, but had invariably given his vote in favour of whatever system of education had appeared to him to be the best adapted for the good of the people. The hon. and learned Member for Midhurst had made an important proposition, which required consideration—that there should be two systems of education, one for England, and another for Ireland. In the first place, the system of education in England had been of so long standing that it might be considered to

have formed the character of the British people? But the Irish system had been one lately introduced, and, as far as he had been able to learn, without any beneficial result. He would ask why should that be the case? Why should there be two different systems in the two countries? A noble Lord in another place, connected with the Government, had been reported to have said—

“Grants for education are intended for the benefit of the poor. The mass of the poor are Roman Catholics, and being so, by no other method could a superior degree of education be substituted for the imperfect mischievous education they were in the habit of receiving, than by a system which Protestants could not object to, for extending the benefits of education to so many of Her Majesty’s Roman Catholic subjects.”

Were they to understand from that, that because the mass of the poor of Ireland were Roman Catholics, therefore, not only their education but that of the Protestants also was to be placed in the hands of the priests? The noble Lord, however, was egregiously deceived, for at the time when the Government joined in the cry set up by the priests to put down all education into which the Scriptures were introduced, he would have found that there were between 200,000 and 300,000 children receiving education at those schools, public and private, in which the reading of the Scriptures formed a portion of the education. And yet they had been told that a superior education had been substituted for an imperfect and mischievous education. In what respect, he would ask, was the system considered to be mischievous? Solely because the Scriptures were introduced as a part of it. He confessed he had never expected to live to see the day when a Minister of the Crown would denounce a system of education as mischievous simply because it was based upon holy Scripture. He recollected perfectly well the Kildare-street Society’s Schools, and he would maintain that there never was a system so popular as that. He had several schools on his estates under that system; and in one county, where there were five schools, so strong was the feeling in their favour that numbers of Roman Catholic children applied for permission to receive instruction in them after the ordinary school hours. The national school system had now been on its trial for eighteen years, and during that time its praises had been loudly sounded, but always to the same tune, namely, the number of schools and the number of scholars. But they had

not been told that in proportion as the schools had increased, and the scholars had multiplied, the character and habits of the people had improved. They had not been told that the children had left the schools one particle better than they entered them—they did not hear of their professing any desire to preserve the peace of the country—they did not hear of their coming forward to aid the authorities to prevent insurrection and rebellion—of their giving better evidence as witnesses, or truer verdicts as jurors—of their professing greater allegiance to their Sovereign, or greater determination to support the Crown and Government. When he should hear of these effects having been produced upon the people, then he would admit that the system might be considered to have worked well. But until then he should retain his present objections. He complained of the ready attention which the Government paid to the wishes of the Roman Catholics on this subject, and of the indifference which they uniformly manifested to the conscientious scruples of the Protestant clergy. How long the Protestant religion was likely to continue the religion of the State, he could not say; but so long as it was the established religion, he insisted that it was entitled to receive from Government a much more liberal measure of support than it had of late or was at present receiving.

MR. HEALD gave his cordial support to the Motion. If he understood that Motion aright, the House was not, by the terms of it, shut up to the reconsideration of the principle upon which the National Board of Education was originally established. He, for one, was not prepared to open up that question; but he observed that the Motion offered an alternative which would justify him in supporting it. It commended to the candid and careful consideration of Government the question, whether the national system of education, which had been in operation for the last eighteen years, had been really working with advantage; and then followed the alternative to which he referred, whether means might not be taken to extend the assistance of the State to those whose conscientious objections to the National Board would not allow them to partake of the Imperial advances. Upon this latter point he had no hesitation whatever in voting with his hon. Friend the Member for the University of Dublin. He had listened with the attention which it de-

served to the speech of the hon. Gentleman the Member for King's Lynn, and, while he could not but honour the feeling which had prompted it, he (Mr. Heald) was as much unconvinced by the force of the hon. Gentleman's arguments, and by the facts which he had stated, as by any speech which had been addressed to the House that night. To the opinions of individuals, which had been cited by the hon. Gentleman, he (Mr. Heald) would oppose facts; against the predictions of parties, however distinguished, he would place the historical proceedings of the Irish Education Society. He had listened with particular attention to the hon. Member's closing observations, and, with reference to what he had said about that part of Ireland included within the precincts of Tipperary, his answer would be this—"Leave it to the progress of the Irish Education Society," for it would be found that even in that district the schools of that society were attended by the children of Catholics as well as Protestants; and, even if that society had no other schools in Ireland but those, the House would be amply justified in giving their sanction to the society for their sake. The hon. Member for Cork had objected, that the progress of the schools connected with that society was attended with proselytism. That formed no objection to his (Mr. Heald's) mind. He adopted the sentiment of the noble Lord the Member for Arundel, that wherever Christianity was worthy of the name, it would be earnest, active, and influential. It was the nature of Christianity to make progress; and though they might call that progress proselytism, its effects remained the same. He was, therefore, not at all displeased to learn that such results had followed from the labours of that society. In speaking on this question, he especially claimed the indulgence of the House, because he believed he might be considered as much as any hon. Member an impartial witness in this court of appeal. It was well known that he had not the honour of being a member of, and therefore associated by direct professional bonds with, the Established Church. But he had been nurtured in such principles, and trained under the influence of such sentiments, that he could not concede to any individual member of that Establishment; and, in the presence of its bishops and clergy, he had stated that he entertained as great an interest in its progress as any person immediately connected with

it. He had always acted on those principles; and now in this House he felt it to be his duty, as a Nonconformist, to declare his honest opinions, and to avow the affection which he bore towards the Established Church. If he understood the strength of the argument which had been adduced against the Motion of his hon. Friend the Member for the University of Dublin, it was, that the Established Church of Ireland—and in speaking of the Church of Ireland, they should never forget that it was an integral part of the Established Church of England—supposing the members and promoters of the Irish Church Education Society felt themselves oppressed and burdened by the constant demand for voluntary effort, might apply a portion of its revenues to make up the difference. He had heard a great deal said from time to time in this House upon the subject of Irish Church property, and it had been contended that that property was excessive, and that it would be a great benefit to the common interests of the country if it were otherwise appropriated. For his part, he had no sympathy with such a sentiment as this. His honest conviction was just the reverse. He believed that church property had never yet been found to be equal to the demands of the population for an adequate amount of religious instruction and pastoral oversight and care. And so long as he saw that it fell short of that, he could not adopt an opinion which was so unsound and dangerous, as that the property of the Established Church in these realms was in excess of the educational wants of the country. If the property of the Established Church were distributed equally amongst the working clergy of the present day, it would amount to a sum per head which would fall short of the incomes of the great body of the Nonconformist ministers; that it would not exceed 250*l.* per annum—a sum which he had never yet heard any hon. Member say was extravagant. But he objected to that argument on this high principle. If it were a fact that the property of the Church of England was in excess of the demand and wants of its people, that was a matter which did not appear to have anything to do with a right solution of the question. He admitted that all Irish legislation was difficult. He was prepared to bear his testimony, after listening to the conflicting statements which had from time to time been presented to this House in connexion

with many Irish questions, that it was a difficult matter for an English Member, solely desirous of serving his country, and Ireland as a portion of it, to come to a right conclusion, and to know how to give his vote. But perhaps the question of national education was the most difficult of all questions. At all events, it had been found to be so in this country; and how had the difficulty been solved at last? Why, by dealing with the subject upon the denominational principle. He had heard no argument advanced that night to convince him that the persons who were carrying on the operations of the Irish Church Education Society should not be as other persons in this portion of the British dominions were. Was this, he asked, the time for placing restrictions upon the vigorous and earnest efforts of the Protestant Church? In his opinion, it was the very period when Parliament should come forward and assist their loyal fellow Protestant subjects in Ireland to carry out the great work of education in connexion with the Irish Church Education Society. Upon these grounds he should give his support to the Motion.

LORD J. RUSSELL: Sir, the object now brought before us is, I think, sufficiently important and sufficiently difficult, to induce us not to mix up with it any question in regard to the Church Establishment of Ireland. The question now before us concerns a system of education which is aided and supported by grants voted in this House, and collected from the taxes paid generally by the people of the united kingdom, and therefore is one totally apart from any question that may be stated or made the subject of debate in regard to the Church Establishment of Ireland. With respect to this question, then, I should say that, in the first place, in disposing of these grants, as a matter of justice we ought to make the benefits of the education we so aid as extensive as possible. We ought to diffuse as widely as possible, among the children of Ireland, the benefits of the education we propose to aid by these grants; and, Sir, I think it would not be a fair or a just application of the funds thus derived from the general taxes of the country if we were to distribute them on any narrow or exclusive principle. But, in the next place, as a matter of policy and expediency, I should say that if you wish your grants to be useful; if you wish to diffuse the benefits of general instruction—the benefits of secular learning, of morality

and religion, as widely as possible amongst the people of Ireland—it should be your object to have such a system as will not provoke opposition or jealousy at its commencement. And you should endeavour to avoid all rules and regulations which could induce a suspicion that you are attempting to convert that which is the largest, the most numerous, and at the same time the poorest part of the population of Ireland to that religion which has in its hands the greatest proportion of the power of the State in this country, which is the richest in Ireland, and which, by endowment and otherwise, is most likely to use that power and that weight for the purpose of proselytising. Therefore, Sir, both on the ground of justice and policy, if you mean to be just and fair to the people of Ireland, and to diffuse amongst them the benefits of education as widely as possible, it is your bounden duty to avoid giving your grants coupled with such conditions as may induce a belief, that in proposing to promote education you mean to convert the children of Roman Catholic parents to the Protestant religion. The hon. Gentleman who has just spoken, indeed, showing the earnestness with which those who are earnestly persuaded in religious matters seek to inculcate their opinions on others, has no objection to use these education grants as a means of proselytising. He avows that that is a part to be adopted. If that be the case, I submit to him that his object would be defeated by the very means by which he would seek to promote it—for immediately you declared to the Roman Catholic clergy and laity that your purpose was not merely to give to the children a good education, but that your object is to proselytise Ireland—they will, of course, arm themselves against that purpose, and your grants will be confined only to a very small proportion of the people, and those who dreaded the priest would consider it a fraud to accept, and would indignantly reject them. If this be a right principle, we come to the consideration of that which I certainly shall not attempt to explain to the House after the very able statement we have had from the hon. Member for King's Lynn, who has not only shown considerable knowledge on the subject, and great ability in defence of the cause, but who has an hereditary right to defend the cause of education in Ireland. But in adverting to the speech of the hon. Gentleman who last spoke, I must refer to the very different

conclusion which was arrived at by the Commission of Education—a commission, I believe, originally commenced by one to whom I am nearly related, the Duke of Bedford, while holding the office of Lord Lieutenant of Ireland, and followed up by him afterwards. That commission was appointed to inquire into the state of all schools and charitable foundations; and amongst that commission was the Archbishop of Armagh, the Archbishop of Cashel, the Bishop of Raphoe, the Bishop of Killaloe, the late Provost Elrington of Trinity College, and other eminent men. These commissioners laid down certain principles on which in the report of 1832, they declare their hope that the scheme of national education proposed by them will be cordially accepted by the people of Ireland. And they add these memorable words:—

“ That such will be its acceptance we shall indulge the more confident expectation, if all interference with the particular religious tenets of those who are to receive that instruction shall, in the first instance, be unequivocally disclaimed, and effectually guarded against. We conceive this to be of essential importance in any new establishments for the education of the lower classes in Ireland; and we venture to express our unanimous opinion that no such plan, however wisely and unexceptionably contrived in other respects, can be carried into effectual execution in this country unless it be explicitly avowed and clearly understood, as its leading principle, that no attempt shall be made to influence or disturb the peculiar religious tenets of any sect or description of Christians.”

Such was the conclusion arrived at at that time by men who were distinguished ornaments of the Established Church of England and Ireland, but who, having a warm attachment to the cause of education and a knowledge of the people of Ireland, knew also what would be an effectual bar to the success of any plan which might be proposed. Now, Sir, considering the whole history of past events in regard to this subject, and the history likewise of the various voluntary societies, I say it is no wonder that the Roman Catholic clergy and laity were peculiarly jealous and sensitive as to any plan of education which was to extend to them; and when they heard that the Bible was to be introduced into the schools—that the Bible according to the authorised version received by Protestants should be read, it was but natural that they should dread it was an attempt to seduce them from the religion of their fathers, and to convert them to Protestantism. I say that was a suspicion not only natural, but almost inevitable. With these

views Lord Stanley founded the present educational scheme in Ireland, declaring that all suspicion of the attempt to proselytise must be carefully guarded against. These schools were established there on this principle, and have been aided by grants made by this House; and what has been their progress? The number of scholars attending them in 1832 was 107,000, but in 1849 there were 480,623 children taught in them. And besides this they (the National Board) have established admirable normal and model schools in Dublin and elsewhere. Agricultural schools have also been formed in various parts of the country, and they have thus aided not only in the promotion of learning and religion, but in those arts most likely to advance the people in industry and civilisation. They have then, after seventeen years' experience, a strong ground for the support of this House—they come before you with a strong case for further support and for the continuance of these grants; they come before you with this claim, that unless there be a strong and overwhelming cause for interfering with the system, that you should answer any proposal for interference by saying we had been long in search of a plan by which various sects of Christians in Ireland might be made the recipients of a common system of education; we at length arrived at such a system, which has now been in operation for seventeen years, and has now come to that point that half a million of children are maintained in these schools, and receive instruction in them—we will not intemperately or indiscreetly do anything to discourage such a system, but will allow it to go on, and continue those grants which have so far been so highly advantageous to the people of Ireland. The hon. Gentleman who has proposed to the House to abandon this system, does so on grounds which, though plausible, always appears to me entirely untenable, namely, the scruples of the Protestant clergy and laity being violated by the scheme. Now, I can understand very well a parent, whether Protestant or Catholic, saying, "Here is a system of education which interferes with my religious belief, and which does not allow my child to receive that religious instruction which I conceive necessary, and you should not by public grants support such a system." But the objection made by the hon. Gentleman is of an entirely different nature. It is not that the religious opinions of the parents are inter-

fered with in the instruction given to the children, or that their children being Protestants are obliged to receive an education not Protestant; but it is that others, who are not Protestants, and who have a different faith, are not compelled to receive an education which would be sufficient for the children of Protestants. That is what I understand by the proposition which has been made on this subject on previous occasions, and by the proposition brought forward to-day; because, as far as I can understand it, and that by the testimony of persons of authority on this question, that in effect is the whole pith of the objections raised. The Bishop of Cashel recently at a meeting in Dublin declared that a Protestant child might receive a good Protestant education in these schools; but what he objected to was that the Bible was not admitted as a school-book in the schools when the Roman Catholic children were taught. On this point I have the testimony of Mr. Sadlier, a clergyman of the Established Church, in a pamphlet written by him, in which he gives an account of his own school. When asked if he would be a patron of the national schools, he consented, and in stating what was done in the way of religious education, he says—

"The Scripture extracts, which contain all the essential parts of the Gospels, are read daily in the school, and the pupils cannot fail to acquire a considerable degree of that Christian knowledge which the members of every branch of the Christian Church agree in thinking desirable to inculcate." "The children educated in rival schools would learn instinctively to hate each other, whereas in this school they are brought up as members of the same family, in peace and love towards each other."

Now this is a practical example of the opinion of a Protestant clergyman, the head of a school in his own parish having Roman Catholic schoolmasters and Protestant assistants acting together, and Roman Catholic and Protestant children learning together those Scripture extracts, and receiving each of them that peculiar religious instruction which is agreeable to the faith of their parents. Now, after this, I think no person is entitled to say that the Protestant child is obliged to receive in these schools an education which is at variance with the conscience of his parents. There are some of the schools where this peculiar religious instruction is excluded from the school-room; and I believe this has been done at the request of the more jealous Protestants who would not consent that religious in-

struction should be given to the Roman Catholics in the house for which the public money had been granted, at the same time with the Protestants. But, generally speaking, the rules laid down in the last report of the Commission have been followed, that the peculiar religious instruction may be given in the school-room after the school hours, the only condition being that the Protestant version of the Bible should not be read as a school book during school hours. If that be so, it is plain that as to the first principle, the modification the hon. Gentleman asks is not a modification in order that instruction in the Protestant religion may be better provided for, but a modification that should be contrary to the wishes and which will arouse the suspicions of the Roman Catholics by declaring that the Bible shall be read in these schools not only for the sake of the Protestant children, but for the sake of the Roman Catholic children also. Now, Sir, I believe if you introduce such a change, you at once strike a fatal blow to the system; and those jealousies which have been allayed, and those suspicions which are now sleeping, would be again aroused: 300,000 or 400,000 children would be at once taken away from these schools, and your hopes of a united system of education would be frustrated and destroyed. But the proposition goes further; and it is said if you do not approve of any modification of the plan, let the schools remain as they are according to the national system; but let there be a separate grant for the children of members of the Church of England; and it seems very plausible to say this is the system in England, why not adopt it in Ireland? But, Sir, I see no force in the objection, that there is a difference in the system in the two countries—what I desire to see effected is the greatest degree of good that is practicable in both countries; and if I find that one system will produce the greatest amount of good in England, and that a different system is calculated to produce the greatest amount of good in Ireland, I will take that different system, and apply it to Ireland, in preference to a system which, though successful here, would be unsuccessful there. But if you take the plan as existing in England, you should not take it piecemeal. If you say that the Church of England, which taken in proportion to the whole population of Ireland does not constitute more than one-sixth or one-seventh of the whole, while it possesses the greater portion of the pro-

perty—if you say, the schools in connexion with that Church—shall have a separate grant, how can you deny to the Roman Catholic bishops and clergy a separate grant for the Roman Catholic schools, in order to enable them to have separate schools and separate religious teaching also? Considering the advantages that Church has in Ireland, and the means the clergy now possess—considering, too, that the Catholic archbishop, the Rev. Dr. M'Hale, and others of the Roman Catholic clergy, are as strongly in favour of separate education as any of those bishops—as are the bishops and clergy of the Established Church—how can you deny to them, for five-sixths or six-sevenths of the whole people, their separate schools, conducted according to the Roman Catholic maxims, and exclusively teaching the Roman Catholic religion? In that case you would have, perhaps, out of the whole grant of 120,000*l.*, 20,000*l.* given to the Established Church and Presbyterian schools, and 100,000*l.* exclusively to the Roman Catholic schools. And who shall tell me what in that case will be the course of education in these Roman Catholic schools when they are entirely set loose from this system of mixed education which has taught the Roman Catholics to know and to love their Protestant brethren, and inculcated in their minds the precepts of our common Christian religion, and brought them up to “love one another.” If you separate the grant, giving the 100,000*l.* to the Roman Catholics, and 20,000*l.* to the Protestants, I do not think that the effect would be the same as it has been in England, where the grants are given part to the Church of England, part to the British and Foreign School Society, part to the Wesleyans, and part to the Roman Catholics. I believe the effects in Ireland would be totally different. There, where there has been so much of separation and animosity so long existing, but now happily subsiding, we should see that animosity revived and fostered by this separate system. And, on the other hand, it would be impossible for you to stop and say that to the laity of the Established Church and to the clergy of that Church should a separate grant be made, and that to no other persons professing a different religion, would you give the same advantage, for then you would be introducing an injustice, and raising again that evil of religious exclusion with regard to this new system, the

effects of which we have so much reason to deplore in regard to the system which so long has existed. The advantage I look to from this system of education is, that being a matter of recent introduction, founded on grants of Parliament, to which no one has a claim except on the grounds of general justice and policy, you have it in your own hands to say the money shall be distributed in that way which will produce the greatest good on the future fortunes of Ireland. You have it in your power to say it shall be the means of reconciling persons of different religions, and of inducing the population of that country to regard your rule in Ireland as just, and that it is not because one man is Protestant, and another Roman Catholic, that the one shall be unduly favoured, or the other discouraged; but that whatever differences there may be on other subjects—or in the way of long-established and prescriptive law—there is no difference in this. The rule I support has been but lately established; it is working well; and it will be your own fault if you depart from it: if you do, and attempt now to establish a separate system, you will soon find that those jealousies and animosities which you have in some degree allayed, would be again rising up and obstructing your path. I hope, therefore, on all these considerations, that the House will not consent to make a change in the principle on which this grant has hitherto been distributed. I hope they will support this Commission of Education, comprising, as it does, men of great eminence, but of different religious views; including men like Archbishop Whately and Archbishop Murray. I hope they will not disturb them in their holy and beneficent work of educating and christianising the people of Ireland. I have been told of another complaint which has been made, that the clergy of the Established Church receive no countenance, or support, or favour from the State, unless they are friends of this system of national education. But in this respect I would beg to observe that the clergy, who are declared to be hostile to the system, are not excluded from the most valuable benefices or the highest preferment in the Church of Ireland in consequence of their opposition. If the Crown had the monopoly of all preferment, there might be some ground for that complaint; but the fact is, that the great bulk of the patronage of the Church is in the hands of

the Church itself. For instance, in the diocese of Armagh, the Crown has the right of presentation to four livings, and the bishop to forty-nine; in the diocese of Ferns, the Crown possesses the right in respect to one living, and the bishop to forty-four; and in the diocese of Cashel, the Crown presents to three, and the bishop to thirty-four. Therefore, I say, with every respect for the clergy of the Established Church in Ireland, who make this complaint, and every respect for their conscientious opposition to the national system, I do not think that their worldly prospects are prejudiced and blighted, as they allege; for if the Crown does not prefer them to the livings which it has in its patronage, the bishop, generally speaking, prefers them. I do not find fault with the bishop for doing so. I do not find fault with the bishop, who is an enemy conscientiously to the national system of education, for giving his patronage to those who agree with him on an important subject affecting the moral and religious welfare of the people. But if I do not find fault with the bishop, I do not, on the other hand, think the Crown is to be blamed because, when patronage falls into its hands, it finds a man of ability, of piety, and of learning, who agrees with it on this principle, and prefers him. On every ground, then, I think there is no foundation for the claims which have been advanced on this subject. I think the clergymen of the Established Church of Ireland, from their high character and their merits in every respect, but more especially for their charitable exertions during the late painful years of famine, are deserving of our highest esteem and regard. I am concerned, therefore, that on this subject I should differ from their wishes; and were it not that I think those wishes are opposed to the general welfare of the people of Ireland, and that we should be making a serious inroad in our system of education, I should be glad to comply with their desire on this subject. But seeing that many schemes and plans in Ireland have failed—that this is a plan, as established by Lord Stanley, which has had good success and prosperity, and which promises to promote good conduct and obedience to the laws among the people of Ireland—I call upon the House not to consent to abridge its powers by adopting the present Motion.

LORD C. HAMILTON would not address the House on this question but that he had a duty to perform to the con-

stituents who sent him to that House; who felt a deep interest in the subject. He would first refer to what had fallen from the hon. Member for Cork, as to the bishops in Ireland as a body being opposed to the national system of education. The hon. Gentleman had said, that those who opposed the National Board, and were thereby deprived of all hopes of Government Church patronage, were indemnified for that position of antagonism by the bishops who agreed with them, and who were in possession of great portions of the Church patronage in that country. He must correct the hon. Gentleman's facts. The bishops in Ireland were not all opposed to the national system of education, for seven out of twelve were in favour of it; and while those who were opposed to that system only possessed the patronage of 446 livings, the bishops who were in favour of it held in their gift 620 livings. Out of the 2,040 clergymen of the Established Church in Ireland, 1,500 had expressed their disapprobation of the National Board, and therefore there remained 500 to enjoy the patronage of the Government, and of the seven bishops. That, then, disposed of the hon. Gentleman's argument so far. Then, with respect to the observations of the hon. Member for King's Lynn, who had an hereditary right to be heard on this particular question, able and eloquent as was his address, proving that he inherited not only the distinguished name, but also the great talents of his noble father—still, the hon. Gentleman had on the present occasion directed his abilities not to the consideration of the question immediately under discussion—viz., the success of the experiment of the national system of education in Ireland, but rather to the consideration of the question whether the motives on which Lord Stanley had founded that system were well grounded or not. That was a question which had never yet been mooted. There could be no doubt that the noble Lord's motives were excellent—that they were based on the soundest principles—and that he had had the fullest expectations that his plan would have turned out most favourably in operation. The hon. Gentleman the Member for King's Lynn had proved by statistics and extracts that there existed at that time good grounds for anticipating great success; but when the hon. Gentleman came down to the year 1832 his statistics ceased, and he had made no reference to details to show how experience had justified those

hopes. It was somewhat singular that no statement had ever been given to the House with the view of proving that a united system of education was imparted by the instrumentality of the National Board. This was the great object of that experiment, and eloquent were the descriptions of the benefits that would ensue from children of all denominations being instructed within the same walls; all sectarian bitterness was to cease, goodwill and confidence were to take the place of the animosity and distrust that had formerly prevailed amongst different sects of Christians. Now, he would ask, have these ends been attained? and, if so, why had not the hon. Gentleman proved by statistics that the scheme had succeeded as a united system of education? When it was contended that the system had succeeded in that respect, the argument was confined to mere assertion, for all access to the facts, which would prove or disprove the statement, was denied—a course which was directly the reverse of that adopted by those who supported what was supposed to be a sectarian spirit of education. The proceedings of the Church Education Society were annually set before the public, and they courted publicity. But in spite of the difficulties in the way of inquiry in the matter, he (Lord C. Hamilton), from long residence in the north of Ireland, had been able to see that this board did not afford a united system of education. It must ever be borne in mind that the board had hardly any control over the vast majority of the schools nominally under its influence. Two-thirds of the whole number were called non-vested schools. In these the patrons have the entire power of deciding whether there shall be any religious or scriptural education. They alone can decide upon the nature and amount of such instruction, and regulate the hours at which it is to take place. Thus these non-vested schools become rival camps of sectarian differences, instead of schools where the common truths of Christianity can be harmoniously learned by children of all denominations. There were hundreds of schools with Presbyterian teachers in them, in districts where they were surrounded by Roman Catholics, and yet those schools were not frequented by the Roman Catholic children; and in the same way, in schools where there were Roman Catholic teachers, Presbyterian children were not to be found. The Commissioners, indeed, in their report in the year 1839, ad-

mitted the fact. He should be satisfied if the National Board would only carry out their own declared views. In all their reports they professed the most earnest desire to promote scriptural knowledge. Yet, in spite of much reluctance, they had been obliged to confess that there were upwards of 1,250 schools, from which not only the Bible but the Scripture extracts were excluded. Taking the average of attendance, that would show that there were 130,000 children every year who not only never read a word of the Holy Scriptures, but who never heard even the extracts from the Bible sanctioned by the National Board. And although Archbishop Murray, in common with the other commissioners, advised and recommended the reading of these extracts, those who sought to carry out that advice were impugned as proselytisers. This he (Lord C. Hamilton) thought very hard. It was a libel upon the Irish people to say that they were actually repugnant to scriptural education; on the contrary, he knew of his own knowledge that a large number of the Irish Roman Catholic peasantry prided themselves on the possession of copies of the Holy Scriptures; and he was also aware that in his own district they preferred to send their children to schools where scriptural instruction was communicated. There was nothing so expensive to a country as the lack of religious education; and no better substitute for police than such instruction. The progress of scriptural education could be distinctly traced by the criminal returns of the several provinces in Ireland. In Ulster the return was 1 in 1,625, Munster 1 in 745, and in Connaught 1 in 360. Connaught was the least instructed, as Ulster was the most instructed of the three, as far as religious education was concerned. Did not this prove that, in an economical as well as in a moral point of view, it was most desirable to promote religious education among the people? Secular education, unaccompanied by religious instruction, had been found wholly insufficient; unite it with a scriptural education, and it would prove a more powerful agent towards ameliorating the character and condition of the people that all the Government proclamations and special commissioners; and therefore he trusted that no obstacle would be thrown in the way of any society which had been established for that purpose.

SIR J. GRAHAM: Sir, having had the honour to be a colleague of the noble Lord

at the head of the Government when the system of national education was introduced in Ireland, and having in every vicissitude of circumstances steadily supported it, I am anxious, before this debate closes, to bear testimony to the merits of that system, and state the convictions I have formed of its advantages, although I cannot hope to use any argument that will add anything to the able and admirable speech of the noble Lord at the head of the Government, which has exhausted the subject before the House. I most cordially and entirely agree with the noble Lord the Member for Tyrone, that religious instruction for Ireland is one of the surest and best cures for a larger part of its social evils; but the noble Lord, when he speaks of religious instruction, appears altogether to exclude from his mind Roman Catholic religious instruction, and seems to think that Roman Catholic religious instruction, combined with good secular instruction, is not good religious teaching. Now, I dissent from that view altogether. In talking of the small proportion of Protestants in the north who support the national schools, the noble Lord seems altogether to put out of view the Presbyterians as a denomination of Protestants. But are not the national schools cordially adopted by the Presbyterians in Ulster, and sanctioned by the great body of the Roman Catholics of Ireland? I am truly sorry that the Established Church has not partaken of the full benefit of the system; and why is it that she has not? The reason is, because the clergymen of the Established Church have been led away, as I think, in a most uncompromising spirit against a comprehensive system of education in Ireland. There are some honourable exceptions: the case of Mr. Sadleir is not singular, I believe, among the parochial clergy. I will not repeat what the noble Lord at the head of the Government has said of this clergyman; but Mr. Sadleir says he thinks it his duty, although the majority of his parishioners are Roman Catholics, to attend the Roman Catholic school, where the majority of the pupils are Roman Catholics. He states also the result of that attendance—that the children read the Scripture extracts and the books of the National Society—that although there is no doctrinal instruction given, yet there is much of Scripture history taught. And he has told you the result of that general teaching—that the Roman Catholic and the Protestant children are equally in-

structed in a general knowledge of the Scriptures and their religion, and that the education can by no means be designated, in his opinion, secular instruction. But the hon. Gentleman who brings forward the Motion charges the system with being latitudinarian. If that were so, a graver objection to it could not be urged. But unless I am greatly misinformed, there is annually in the city of Dublin an examination by a society, called "The Association for Discountenancing Vice and Promoting the Knowledge and Practice of the Christian Religion," with premiums awarded to children instructed in the tenets of the Established Church at the different seminaries of that province—premiums to the children displaying the greatest knowledge of those tenets. That society offers annual premiums, which are awarded for proficiency in the Holy Scriptures and in the Catechism and Liturgy of the Church of England. Protestant children from all the parish schools in Dublin attend these examinations, which are held in the month of June. The examiners are invariably clergymen of the Church of England. The mode adopted by the superintendents and teachers of the schools is to select such of the children as are likely to answer creditably, and send them in for examination. Accordingly, in June, 1849, twenty-four Protestant children of the National School in Marlborough-street were sent in, and the result was as follows:—The total number of candidates sent in from all the parish schools of Dublin was 197. The House will observe that there were only twenty-four sent in from the Marlborough-street school. The total number who obtained premiums were ninety-nine, and among these ninety-nine were nine out of the twenty-four pupils from the National Model School. How is it possible, in the face of facts like these, to maintain that the Protestant children brought up with the Roman Catholic children under this system may not obtain the best education, even the peculiar tenets of the Established Church? But I regret to say the clergymen of the Established Church have greatly frustrated the success of the measure so far as the Established Church is concerned. The noble Lord at the head of the Government has been taunted with applying the patronage of the Church Establishment in Ireland for the furtherance and support of this system. It is not for me to defend the noble Lord's policy in this particular. He has, as I think, sufficiently vindicated

himself. But the Government of which I was a Member pursued a directly opposite course. They distributed the highest patronage of the Protestant Church in Ireland without reference to the opinions regarding this particular subject of the persons selected for the prelacy. I will not speak harshly on this subject, but it is necessary to speak the truth. How, then, have the prelates, thus selected totally irrespective of their opinions on this matter, exercised their patronage with reference to this particular question? Unless I am misinformed, the persons thus selected for the prelacy, without reference to their opinions respecting this particular system, have used their utmost exertions, and applied the patronage of their respective dioceses, exclusively for the support and maintenance of those who are opposed to this national system. That fact—which I greatly deplore—I believe is indisputable. Something has been said respecting the conscientious scruples of the clergy of the Established Church; and the hon. Gentleman the Member for the University of Dublin dwelt upon that point. Now, I have a right to ask, is the system of education in Trinity College itself of an exclusively Protestant character? I admit that the distribution of rewards and honours, and emoluments, consequent upon the education there, is almost entirely exclusive. On the other hand, I absolutely deny that the education itself is in the least degree exclusive. I believe that, with the exception, which I believe is not invariable—with the exception of the examination on entrance in the Greek Testament (and observe it is no examination connected with doctrine, but merely in construing some verses of the New Testament, to see whether the individual entering has got a knowledge how to construe Greek)—with that exception, from the day of entrance up to the time when a degree is taken, I believe there is no interference with religious education. And, besides this, again, you have in all workhouses in Ireland schools based on and connected with the national system; and yet you have Protestant clergymen acting as chaplains for these workhouses. If, then, there are these religious scruples so constantly existing in the minds of the Protestant clergy, how do we find it possible to obtain these Protestant chaplains, one of whose duties compels them to attend these alleged latitudinarian schools, from which the Bible is excluded? Protes-

tant chaplains, as I am informed, invariably attend the workhouse schools; but I believe there are salaries attached to the office. It will be said, perhaps, that the building itself may be desecrated by the performance of worship according to the Roman Catholic forms within the walls. Is that the case? Let us look. There are gaols in Ireland, and there are chapels attached to those gaols. The celebration of divine worship according to the forms and ceremonies of the Protestant Established Church is not exclusive within the walls of these chapels. By no means. Mass, according to the rites of the Roman Catholic Church, is celebrated within the same walls. No one scruple whatever deters Protestant clergymen from accepting the office of chaplain to those gaols. But there also salaries are attached to the office. Now, with all this chariness about conscientious scruples among the clergy of Ireland connected with the Protestant Established Church, respecting this system, it is impossible altogether to overlook these facts; and now the question, in the shape in which it is now brought before the House, presents itself to us in an alternative form. We are called upon to modify the system, or else we are called upon to make an exclusive grant. Now, observe, a modification of the system such as is now demanded, is the enforcement during a portion of the school hours of the reading of the Scriptures according to the authorised version. That is the modification intended; and I am sure the hon. Member for the University of Dublin will not deny that no modification short of that will satisfy the scruples of those whom he represents. Now, if that be so, you may as well declare that you will extinguish the national system altogether. It is not a modification—it is an extinction of the principle itself; and once insist upon that modification, or rather subvert the principle at present established, and from that moment the Roman Catholic Church would be excluded. But the second alternative, they may say, is, “Give us a grant separate from the Roman Catholics.” Now this, it is clear, if acceded to, would be equivalent to supplanting the national system by a denominational system. Now, the argument on this point is quite irresistible, as urged by the noble Lord at the head of the Government. Consider well what you are doing. My hon. and learned Friend who seconded the Motion appealed to us first on the ground of justice, and

next on the ground of policy. Now, if you make this change on the principles of justice, you should be prepared to see the principles of justice enforced with the utmost rigour. But the principles of justice would demand from you that if you make an exclusive grant of a limited amount—say 10,000*l.* or 12,000*l.* for education exclusively under the Established Church, you must also make an extensive grant to the Roman Catholic Church to the amount of at least 70,000*l.* or 80,000*l.* Then, what will be the effect of this? You once tried by a penal code to exclude what we Protestants consider false doctrine. No attempt ever was less successful, or ever was more harsh and cruel. This system of national education was at length substituted for that cruel and exploded system. It sought to unite in harmonious concord in one system of education from which religious education was not excluded—Roman Catholics, Presbyterians, and members of the Established Church. That which a penal code could not effect you sought to effect in a more Christian mode—by mutual kindness, mutual love, concord, and harmony were sought to be established. The noble Lord the Member for Tyrone refers to the criminal returns in arguing this question. But I will tell the noble Lord this—I know that in certain statistical returns of the national system, sectarian distinctions are so carefully avoided, that no enumeration of the children of the respective religions is made. But from what I believe to be the best authority, I find that out of the 480,000 children educated last year in these schools, 400,000 of them were Catholics, and 80,000 were Protestants—not materially varying from the proportions between the respective populations. Well, I cannot help thinking that although this system may not have borne at once all the fruits that we could desire, yet on the whole its success has been signal. I have stated it before that I am almost afraid to speak the whole truth on this matter; but I believe that there is no Roman Catholic country in Europe—(I don’t dissemble in using names, for Ireland is a Roman Catholic country)—there is no Roman Catholic country in Europe, where, with the consent of the priesthood and laity of the Roman Catholic communion, education, so scriptural, so immediately in connexion with the religious teaching that prevails in this country, founded on the Bible in its Protestant form, is ever tolerated to the

same extent as it is under the national system in Ireland. These, therefore, are my opinions of that national system. Then are you now about to disturb it? I heard with inexpressible pleasure the speech of the hon. Gentleman the Member for King's Lynn. He spoke almost with the voice of his father—*Per genitorem oro, per spem surgentis Iuli*. I entreat the House, Sir, to hold its hands before it touches this most lasting and most hon. monument of the administration of affairs by Lord Stanley in Ireland. I confess, with my feelings on the subject, that I have looked with intense anxiety to the success of this measure—I have watched its progress—I am satisfied almost beyond my expectations with the success which has already attended it. In the midst of the darkness which hangs over the face of that country, it appears as the only bright spot. I entreat you to quench not that light. If you once extinguish it, I know not by what Promethean fire you will be able to rekindle it. I believe that without this once cheering ray you have no hope left of the social amelioration of Ireland. You talk about a similarity of circumstances between England and Ireland; and say that there must be an identity of institutions. That is a difficult and a dangerous topic on which to touch. You may have an identity of institutions, but not of church establishments. The Established Church in England is the Church of the great majority of the people. The Established Church in Ireland, secured, although I know it to be by the Act of Union, is the Church of a small minority of the people. The only assistance the Roman Catholics are willing to accept at your hands—the only assistance, I was going to say, that your wisdom offers to their acceptance—the only grant in the nature of an endowment, even if you admit that which I do not, that this is exclusively Roman Catholic education—is this grant. If you make it an exclusive and a denominational—a word I confess I do not very clearly understand—grant, I believe there are many Roman Catholic prelates, and many members of the Roman Catholic priesthood, who will rejoice at the success of the Motion of the hon. Gentleman the Member for the University of Dublin. But the noble Lord at the head of the Government has wisely reminded you that if this grant becomes a grant from which the Roman Catholics of Ireland are excluded, you must prepare for the use that will be made of such exclusive grants. They will have to struggle

against a grant made exclusively for the advantage of an Established Church richly endowed. They will have to struggle against the influence of a Protestant gentry; and the infallible effect of these exclusive grants will be to foster and promote an anti-English feeling in Ireland, which it ought ever to be our most careful and anxious study to avert. Never having felt more anxiety that the existing system of State education in Ireland should not be undermined or overthrown, I shall unhesitatingly give my vote in opposition to this Motion.

MR. NAPIER would trespass but shortly on the patience of the House while he stated why he thought himself on this occasion bound to support the Motion, and why he would present the subject again and again to their notice on the grounds of its inherent justice. He had listened without any feeling of dissatisfaction to the able speech of the hon. Member for King's Lynn, and to many parts of the speech of the noble Lord at the head of the Government, because they had undoubtedly the merit of good temper and good taste; but he had heard with pain and regret the taunt thrown out against the clergy of Ireland by the right hon. Baronet who had just resumed his seat, which, with great deference and respect, he must say, was altogether unworthy of his high position. The right hon. Baronet might have argued the case in any form he pleased upon its general merits; but let no man, in the House or out of it, impute to a body of men who had lived down all calumny, that they were actuated by mere sordid motives in opposing the system of national education. For seventeen or eighteen years, with a passing interruption, the clergy of the Established Church in Ireland had been exposed to all the pressure of Government on this subject. Young curates had been received at the Castle, and there informed, "Here is a living vacant; but the condition on which it will be given away is, assent and support of the system of the Board of National Education." He admitted the right hon. Baronet the Member for Tamworth, during a part of the time he held office, issued instructions in an admirable letter to the effect, that in promoting the members of the Irish Church, the Government should regard purity of life and piety, and not make the support of the education question a test of a clergyman's fitness for promotion. That impartial course was soon abandoned, and the abuse of patronage revived. But after

all they had done and were doing, there were not 100 of the whole body of the Church who had joined the National Board; and he asked any man of honourable mind in the House to say, if there was any reason to believe the clergymen of the Established Church were actuated by any but the purest motives, or were induced by anything but their conscientious feelings of duty, as Christian men and clergymen, to come to so unanimous a decision in opposing the national system? In the case of gaols and workhouses referred to by the right hon. Baronet, the chaplain has a special and limited duty to perform towards the particular individuals placed under his charge, who derive the benefit of his pastoral office: beyond these he is neither required nor empowered to exercise his functions. The teaching there imparted is in accordance with his own convictions and obligations of office. He is neither asked nor expected to teach what he holds to be error: or to exclude the word of God from any part of the instruction he either gives or sanctions. They had heard a good deal about the advantages of a united system of education; but the fact was, that Presbyterians and Roman Catholics under the board had each a separate system of education. Indeed, on the latter point he might remark, that a gentleman sent by Archbishop Murray on a mission to Rome had published a letter recently, translated from the Italian, in which he said there was no Government so favourable to Roman Catholics as that of England, because nearly 100,000*l.* was annually given to the Roman Catholic hierarchy for education. The noble Lord at the head of the Government had fairly stated the measure was not a church question. The Roman Catholic living in England had a share of the funds of the empire to promote education according to his conscientious views. The noble Lord did not get up and object that his system had a tendency to proselytise, though it could not be denied that it sought to proselytise at least as much as the system of the Church Education Society. On what principle was it, then, that the Irish Protestant was not to have the same privilege as the English Roman Catholic? Was he to be refused any share of the funds to which he contributed his quota, because he was a Protestant, and because he lived in Ireland; and was the Roman Catholic to receive aid from the State, because he was a Roman Catholic, or lived in England? Did they mean to say con-

science was to be a question for all in England, but not for the Protestant in Ireland? The noble Lord had talked of giving to the people of Ireland an equality of privileges with the people of England, and they had heard "the drying up of the channel" spoken of in the late debate on the abolition of the Lord Lieutenantcy; but it appeared that they were prepared to deny to the Irish Protestant, because he lived in Ireland, a privilege which they would at once accord to him if he resided in England. He appealed to the House and to the country if that was justice. The only section of the community in England not entitled to a share of the imperial funds for the purposes of education, was, as stated by the noble Lord, those who denied the basis of Christianity altogether. When Lord Stanley was coerced by the cabal described by Lord Cloncurry, to propose the system of national education, a plan of united education was made its basis; but he would put it to the hon. Member for King's Lynn, who so ably represented his noble father in clearness and ability, if he ever intended or expected to exclude the Protestants of Ireland from its advantages altogether? The system as modified by the board by successive changes, was one of retaliation, not of comprehension, and merely changed the monopoly from one body to another? In 1846 the plan of union was abandoned as hopeless, and the Commissioners reported that the schools should be accessible to all, by keeping secular apart from religious education. Were they accessible to all? Certainly not; and the reason was, the conditions imposed on attendance interfered with the conscientious views of members of the Established Church? It was said the Scripture extracts were read in the schools, that the general books were excellent, and that the children had answered well at an examination in Dublin. But the Scripture extracts were now excluded, by a rule of the board, as fully as the Bible itself, and the use of the general books was not compulsory. As to the answering of the children, he could only say it was very convenient to have a model school in Dublin to show to strangers, just as in some shops they put a kind of decoy goods in the windows; but he denied they were a fair specimen of the children educated through the country. But the fact was, religious instruction formed no part of the school teaching. When religion was never mentioned, when the sound of prayer was never heard, then, no doubt, you had unity;

but when any reference was made to any topic connected with God, or eternity, then separation and division characterised the system. In the schools of the Wesleyan connection in England, it was set forth in the trust-deed itself that the Holy Bible in the authorised version should be read and used, accompanied by the teaching of the master or visitors of the school. This was the permanent condition on which they obtained aid in England: a similar rule excluded the Protestants of Ireland. The right hon. Baronet the Member for Ripon had told the House that he did not understand what denominational religion meant. [Sir J. GRAHAM: I said I did not understand the word.] But the right hon. Baronet on a former occasion declared that—

“There could be no sound education without religion, and that there ought to be no education in any religion at the expense of the public, except in that of the Established Church.”

He thought the right hon. Baronet ought to have remembered the opinions of his younger days, and he might then be able to sympathise with those who were younger than himself, but who no doubt might, without the inducements of salary, one day come round to his present views. The right hon. Baronet the Member for Tamworth had also once expressed similar opinions, when he said—

“That rather than consent to a system in which religion would be left an open question, the Church ought to take the education of the people into her own hands, and that he doubted very much whether there was not as good a chance of harmony from the teaching by the Church, as from the plan of allowing the children to be taught by ministers of their own creed on separate days devoted to that purpose.”

“Speaking upon this question, he hoped, rather than consent to any plan of this nature, the Church would separate itself from the State, that it would not shrink from the publication of its own peculiar views, which being inculcated on the mind of the child, and the necessity of religious education impressed, he very much doubted that as good a chance would not be secured for the triumph of the principles of the Christian faith.”

Those were the opinions of the right hon. Baronet the Member for Tamworth in 1839. He found similar opinions to what he (Mr. Napier) now propounded, condemnatory of the species of education now upheld in Ireland, expressed in the *Times* of December 8, 1842, in which the injustice done to the members of the Church in Ireland was forcibly urged. The principles of the United Church were based upon the word of God, and they were not to be shuffled about as occasion required, for

the mere convenience of party; and it was therefore natural that the Protestants of Ireland should take their stand firmly upon this question. Dr. Chalmers had well said that parochial schools were the nurseries of Christianity. Believing that to be the case, he might ask from all present that the Protestants of Ireland should receive privileges at least not inferior to those which were afforded to the Roman Catholics in England. The Church in Ireland was founded upon the same principles as the Church in England. But there was this difference between the two branches of the Church Establishment—the Church was politically strong in England, and the Government dared not interfere with it; but the Church in Ireland, because it had the post of difficulty, and was said to be the Church of the minority, they could take liberties with, without interfering with their political arrangements. But if they were acting upon pure and upright principles, would they have one rule for the Church in Ireland, and another for the Church in England? The noble Lord at the head of the Government had on one occasion declared that patronage would not be withheld from an Irish clergyman merely because he had opposed the national education system; and yet at the very time the noble Lord was saying this, a clergyman had sought to exchange his living for a Government living, on account of the grievous persecution he endured, for his faithfulness in preventing the fraudulent distribution of the labour-rate fund in Limerick. He, however, received a communication, requesting to know his views upon the subject of national education in Ireland, before he could be recommended for presentation to the Government living; and on replying that he did not approve of the principles of the system, he was informed that his proposal could not be entertained at the Castle. There were about 100 clergymen who were avowedly favourable to the present system, while 1,600 or 1,700 had signed the petition against it. And there were several who, from various motives, did not sign the petition, because they lived in the dioceses of bishops who were favourable to the Government system. There were 690 benefices in the gift of persons favourable to that system, and 449 in the gift of those who did not approve of it. But, in addition to this patronage, who appointed the bishops? The noble Lord at the head of the Government had spoken of the Commission of 1812,

and of the report of the prelates of the Irish Church who formed that Commission. This topic had been most uncandidly put forward by persons who at least ought to have known its fallacy. That Commission did not recommend the present system, or anything analogous to it. They proposed to have all the parochial schools put into complete working order, and supplementary schools established for those who did not like to attend the parochial schools. But what was the real question before the House? It was not whether the House should consider the national system right or wrong. That might be made matter of dispute on other fitting occasions; but it was not the question now under consideration. They had recognised a national system in England, and all they required was that those who made use of the public money under that system, should carry out education according to their own religious views. Then, if it was so, he wished to know why they would not give the same assistance to the Protestants of Ireland that they gave to the Roman Catholics out of the funds to which all contributed by taxation? If this was not a Church question, as the noble Lord had stated, and if, as was laid down by the right hon. Baronet the Member for Ripon, religious instruction was the great security for the social improvement of Ireland, why, he again asked, was that instruction not to be encouraged, which was based on the pure word of God, and sanctioned by the great body of the Established Church in Ireland? Were those portions of the people of Ireland who had not been guilty of turbulent agitation, but who lived in peace and subordination to the laws, to be alone deprived of the assistance and encouragement which the State gave for educating the people? He asked if it was right to connect with the love of their religion feelings of irritation in the minds of any class of Her Majesty's subjects against imperial injustice, and to stigmatise them as unworthy of the aid which the State chose to give to others. Was this a wise experiment to make upon any religious portion of their fellow-countrymen? He would only say, in conclusion, that by such treatment they would be prepared the more perseveringly to assert the principles which they held so sacred, and which it had been his privilege feebly, but sincerely, to advocate.

MR. SHEIL: I assure the hon. and learned Gentleman (will he permit me to call

him my hon. and learned Friend?) that, in my opinion, no system of education would deserve the name of "national" to which the Protestants of Ireland could justly object. So far from being disposed to do them any the least injustice, I entertain for my Protestant fellow-citizens a more than compatriot sentiment. Do not listen to me with incredulity. When I reflect upon the great things which have been achieved by the Protestants of Ireland—when I consider how much genius, how much wisdom, how much eloquence, how much virtue, and how much valour, how many great statesmen, great writers, great thinkers, great speakers, and most surpassing soldiers, have issued from a minority so comparatively small, I cannot withhold my admiration; and, let me add, that gratitude is associated with admiration when I recollect that there was not a single illustrious Irish Protestant born within the last century who did not take part with his Catholic fellow-countrymen, and plead the cause of Catholic enfranchisement. Influenced by those feelings, I deprecate as strenuously as any man here can do the infliction of the slightest wrong to the religious feelings of the Protestants of Ireland. I have accordingly anxiously considered whether there existed any well-founded Protestant objection to the National Board. I say "well-founded objection," because where religious qualms take an acquisitive turn, and it is from the Chancellor of the Exchequer that the hon. and learned Members for the University of Dublin require spiritual consolation, it is only reasonable to ask whether their fears for the integrity of the Protestant faith have any substantial ground? After a good deal of consideration, and after having given due weight to all that has been urged against the National Board, I have, I own, come to the conclusion that the apprehensions are wholly visionary, by which the Parliamentary conscience of the Members for the University of Dublin are periodically perturbed. I do not believe that the great body of the Protestants of Ireland participate in their alarm. I am convinced that the majority of the proprietors of Ireland appreciate, as they ought to do, the advantages which accrue from the knowledge which is everywhere disseminated through the National Board—that they feel that every school is the source of social and moral improvement; a little well, from which "fresh instruction" is poured over minds that would

otherwise lie waste and sterile. The Presbyterians of Ireland, who are fully as sensitive in everything that concerns the usage of the sacred writings as the Episcopalians are said to be, support the board. The hon. and learned Gentleman the Member for the University of Dublin holds the Presbyterians in no account. He also complained that the right hon. Member for Ripon had insinuated that the clergy of the Established Church were under the influence of those temporal inducements which are held out by the Mosaic system as the reward of virtue, and told us that, by a remarkable coincidence, the *Regium Donum* was increased when the Presbyterian body entered into a connexion with the National Board. I suppose that the hon. and learned Gentleman the Member for the University of Dublin is inclined to apply to any Cabinet Minister Swift's character of one of his antagonists, "As to religion the fellow had none, but was in all other respects an excellent Presbyterian." If the majority of the Episcopalian clergy are hostile to the board, several of the most distinguished ecclesiastics in Ireland are its allies. The Archbishop of Dublin, a theologian without rancour, who, notwithstanding some academic peculiarity, is equal to a whole host of sacerdotal mediocrities who have votes in Trinity College, is the champion of the National Board. He supports and he adorns the noble structure of which the foundations were laid by Lord Stanley. That nobleman is the father of the system of national education, and of his progeny, in the figurative as well as the literal sense, he has reason to be proud. He was Secretary for Ireland in 1831, and a Member of the Cabinet. He was, consequently, master of the country. It was then that, to his lasting honour, he devised and constructed the system of national education. He took a just and most essential care to associate religious with secular instruction; to graft, if I may so say, the tree of knowledge with the tree of life. Writing to the Duke of Leinster, he says—

"The commissioners will require that the schools shall be kept open for a certain number of hours, or four or five days of the week, at the direction of the commissioners, for moral and literary education only, and that the remaining one or two days in the week may be set apart for giving separately such religious education to the children as may be approved of by the clergy of their respective persuasions. They will also permit and encourage the clergy to give religious instruction to the children of their respective persuasions, either before or after the ordinary school hours, on the other days of the week."

With this simple citation I destroy the web of sophistry, to whose unseemly elaboration the antagonists of the National Board again and again instinctively return. There is not a parish in Ireland in which a school has been built by the National Board where the Protestant rector or curate, if he be so minded, may not take advantage of the opportunity so afforded—may not call the Protestant pupils together, expound the Scriptures, and inculcate those precepts of charity, forbearance, and goodwill, which the Gospel so divinely inculcates, and in reference to which I hope that the antagonists of the board illustrate their injunctions by their example. I am surprised, that considering the Protestant clergy take an oath on their ordination to keep a school to teach English, they do not conceive it to be morally obligatory upon them to attend a school to teach the Gospel. I am afraid that they are prevented from attending by the equality on which they would be put with the Catholic clergy, and that they regard that level as inconsistent with the pre-eminence awarded them by the law. But whatever be the cause, I do not think that any case has been made for supplying this omission by a grant of money from the taxes levied on the English people. We are told, indeed, that the Catholic schools in England receive pecuniary aid. If the Catholics of England had retained any portion of those vast endowments made by their forefathers, the case would be parallel; but is it because relief is doled out to Lazarus by Dives, that from the midst of his gorgeousness the hand of mendicant supplication is to be held out? It is not from the revenues of the State, but from the temporal abundance of the Church, that any grant of money for schools in connexion with the Established Church should be made. I can refer the hon. and learned Members for the University of Dublin to a recent and remarkable precedent. Seventeen or eighteen years ago the University of Durham was founded under an Act of Parliament, by the appropriation of a part of the property belonging to the cathedral. I have the charter of the University of Durham here; it recites an Act of Parliament, entitled, "An Act to enable the Dean and Chapter of Durham to appropriate"—mark, "appropriate," "part of the property of their church to establish an university in connexion therewith for the advancement of learning." I need read no more. I have furnished a complete

precedent to the hon. and learned Gentleman. If he should act upon it, and come to this House with a prayer from the Irish clergy to allocate a part of the revenues of the Established Church to the aid of schools connected with the Church, we shall listen to the suggestion with great interest, and perhaps with some surprise. But such a proposition as is now made must be heard with disrelish; and I hope I shall be pardoned for saying, that a scriptural image of avidity is presented to my fancy, when, gorged but insatiate, an Irish Churchman cries out, "Give, give!" But the House of Commons will not give. It will protect the noble institution which Lord Stanley founded, which the right hon. Member for Tamworth, with Lord Stanley as his colleague, so largely amplified, and which, let me add, has recently received the highest and the most signal sanction. Amongst the many remarkable incidents by which the sojourn of the Queen in Ireland was distinguished, perhaps one of the most touching, was the visit paid, immediately after her arrival in Dublin, to the model school of the National Board, to which precedence over the University of Dublin was given. It was a fine spectacle to see the Queen, with her illustrious Consort, who is so worthy of Her, attended by the representative of the Presbyterian Church, and the Catholic and Protestant archbishops of Dublin—to see those venerable ecclesiastics, united by the bond of a common Christianity, in the performance of that office of sacred charity which Christianity so divinely teaches; to see the Sovereign of this great empire in the midst of hundreds of little children, whose gaze of affectionate amazement she returned with looks of almost maternal love; and, above all, it was thrilling to behold Her countenance radiating with emotion, while Her heart beat with the high and holy hope—that of a wise, a moral, and religious system of education, She may live to witness the mature and perfect products.

Mr. PLUMPTRE would detain the House but a few moments. He could not, however, allow one observation which the right hon. Gentleman had made to pass without notice. The right hon. Gentleman had said that the clergy of the Established Church in Ireland had been so much in the habit of maintaining an ascendancy over the Roman Catholics that they did not like to abandon it; and that that was principally the reason why they opposed the national system of education. Now, he

(Mr. Plumptre), on the part of the Protestant clergy of Ireland, utterly and entirely repudiated that imputation, and denied that any such feeling was entertained by them. They were influenced by far higher and far holier motives.

Mr. REYNOLDS said, this question was partly a Church question, partly a money question, and partly a party question. An analysis of the political opinions of those who were opposed to the system would show that they were the opponents of every movement made in that House to promote rational liberty. He deeply regretted that the hon. Member for the University of Dublin had permitted himself to be made the instrument of introducing a topic which was likely to increase religious discord, and thus keep alive that spirit which had inflicted so much injury on Ireland. It must be admitted that those by whom this Motion was introduced, might take out a patent for ingenuity in the invention of grievances. As a Roman Catholic Member, he complained of that discussion. The agitation of the question was an annual farce. Once a year, about Easter, there was a gathering in the Rotunda at Dublin. What was that Rotunda? A pocket edition of Exeter-hall. Who attended in its galleries? Eight or nine intolerant and bigoted bishops, a certain number of expectant curates, a larger number of excited laymen, and a considerable gathering of hysterical old maids, the Members for the University of Dublin attending *ex officio*. This might be exceedingly unpalatable to "ears politico;" but he had the misfortune to represent a great city—(*laughter*)—hon. Gentlemen should have allowed him to finish the sentence—a city in the centre of which was the great citadel of Orange ascendancy, Trinity College, and in one corner the Rotunda, in which such unseemly scenes were enacted. He was there to impeach what, without meaning to offend any one, he must call an annual humbug. [Mr. STANFORD rose to order: The right hon. Member for Dublin had used an unparliamentary phrase.] He begged most respectfully to state that, in using the word "humbug," he had not thought of the hon. Member for Reading. Even if he thought the hon. Member deserved that name, being aware that he was leading a life of single blessedness, he would not like to injure his character with the ladies of Reading. He hoped that explanation would be satisfactory to the hon. Gentle-

man. If a Russian or a Frenchman, quite unacquainted with the subject, had heard the speeches in favour of the Motion, he would have fancied that the Protestants of Ireland were the most miserably-used people on the face of the earth. Now, what were the facts? Including Methodists and Quakers, the Protestants of Ireland amounted to 850,000 of the population; the revenues of the Church amounted, some said, to 1,000,000*l.*; others said, to 700,000*l.*; and the hon. Member for the University of Dublin would admit that they were not less than 600,000*l.* [Mr. G. A. HAMILTON dissented.] The hon. Gentleman nodded dissent, but he (Mr. Reynolds) believed the estimate to be a low one; and that amount was quite irrespective of what was given to the diocesan and endowed schools, and of the 100,000*l.* a year placed at the disposal of the Ecclesiastical Commissioners for the building and repairing of churches. They complained that the people were not handed over neck and heels to that proselytising association. It was said there were 43,000 Roman Catholic children within the walls of the Kildare-street schools. Why, these children had, every one of them, been kidnapped by the influence of soup and oatmeal. Human food was withheld unless spiritual food was accepted. The hon. Member for Stockport was as ignorant of Tipperary Protestantism as he was of the feelings of his own constituents, when he said that nine-tenths of them were opposed to the ballot. If he were ignorant of the state of political feeling in Stockport, how grossly ignorant must he be of the state of Tipperary Protestantism! He would assure the House that Tipperary was not such a wilderness as the hon. Member supposed; it was a large and civilised community. He begged to say, in conclusion, that he conscientiously believed this annual Motion was brought on for the purpose of guarding the outposts of that overgrown leviathan, the Protestant Church in Ireland. He believed in his conscience that, until the temporalities of that Church were entirely abolished, they never would have peace or order in Ireland; and, speaking as an Irishman, he believed, not only that they never would have peace, but that they never ought to have peace in Ireland. Other men might mince the matter; they were not so candid as he was; but the great mass of the population of Ireland considered the temporalities of that Church as an intolerable badge of slavery and op-

pression; and, until the whole edifice was, by the operation of law, levelled with the dust, he never should consider himself an emancipated Irishman.

Question proposed, "That the words proposed to be left out stand part of the Question."

Question put.

The House divided:—Ayes 225; Noes 142: Majority 83.

List of the AYES.

Abdy, Sir T. N.	Dunne, Col.
Acland, Sir T. D.	Ebrington, Visct.
Adair, H. E.	Ellis, J.
Adair, R. A. S.	Elliot, hon. J. E.
Aglionby, H. A.	Enfield, Visct.
Armstrong, Sir A.	Euston, Earl of
Baines, rt. hon. M. T.	Evans, J.
Baring, rt. hon. Sir F. T.	Ewart, W.
Barnard, E. G.	Fagan, W.
Bass, M. T.	Ferguson, Col.
Berkeley, Adm.	Ferguson, Sir R. A.
Berkeley, hon. H. F.	Fitzwilliam, hon. G. W.
Berkeley, C. L. G.	Foley, J. H. H.
Bernal, R.	Forster, M.
Birch, Sir T. B.	Fortescue, C.
Blackall, S. W.	Fortescue, hon. J. W.
Blake, M. J.	Fox, R. M.
Bouverie, hon. E. P.	Fox, W. J.
Boyle, hon. Col.	Freestun, Col.
Brand, T.	Glyn, G. C.
Bright, J.	Goddard, A. L.
Brockman, E. D.	Grace, O. D. J.
Brotherton, J.	Graham, rt. hon. Sir J.
Brown, W.	Granger, T. C.
Browne, R. D.	Greene, J.
Burke, Sir T. J.	Grenfell, C. P.
Campbell, hon. W. F.	Grenfell, C. W.
Cardwell, E.	Grey, rt. hon. Sir G.
Carter, J. B.	Grey, R. W.
Caulfeild, J. M.	Grosvenor, Lord R.
Cavendish, hon. G. H.	Guest, Sir J.
Cayley, E. S.	Hall, Sir B.
Childers, J. W.	Hammer, Sir J.
Cholmeley, Sir M.	Harris, R.
Clay, J.	Hastie, A.
Clay, Sir W.	Hatchell, J.
Clements, hon. C. S.	Hawes, B.
Clerk, rt. hon. Sir G.	Hayter, rt. hon. W. G.
Clifford, H. M.	Headlam, T. E.
Cobden, R.	Heneage, G. H. W.
Colebrooke, Sir T. E.	Heneage, E.
Cowper, hon. W. F.	Herbert, rt. hon. S.
Craig, Sir W. G.	Heywood, J.
Crawford, W. S.	Hobhouse, rt. hon. Sir J.
Crowder, R. B.	Hobhouse, T. B.
Dalrymple, Capt.	Holland, R.
Damer, hon. Col.	Howard, Lord E.
Davie, Sir H. R. F.	Howard, hon. C. W. G.
Dawson, hon. T. V.	Howard, hon. E. G. G.
Denison, J. E.	Howard, P. H.
D'Eyncourt, rt. hon. C. T.	Howard, Sir R.
Douglas, Sir C. E.	Hutchins, E. J.
Duff, G. S.	Jackson, W.
Duke, Sir J.	Jervis, Sir J.
Duncan, Visct.	Johnstone, Sir J.
Duncan, G.	Keating, R.
Dundas, Adm.	Kenshaw, J.
Dundas, rt. hon. Sir D.	Kildare, Marq. of

King, hon. P. J. L.
 Labouchere, rt. hon. H.
 Lascelles, hon. W. S.
 Lemon, Sir O.
 Lennard, T. B.
 Lewis, rt. hon. Sir T. F.
 Lewis, G. C.
 Littleton, hon. E. R.
 Locke, J.
 Lushington, C.
 Mackie, J.
 Macgregor, J.
 Mahon, Visct.
 Marshall, W.
 Martin, S.
 Matheson, J.
 Matheson, Col.
 Maule, rt. hon. F.
 Meigund, Visct.
 Milner, W. M. E.
 Milton, Visct.
 Mitchell, T. A.
 Moffatt, G.
 Molesworth, Sir W.
 Monsell, W.
 Morris, D.
 Mostyn, hon. E. M. L.
 Mowatt, F.
 Mulgrave, Earl of
 Muntz, G. F.
 Norreys, Lord
 O'Connell, M.
 O'Connell, M. J.
 O'Connor, F.
 O'Flaherty, A.
 Ogle, S. C. H.
 Ord, W.
 Osborne, R.
 Paget, Lord A.
 Palmerston, Visct.
 Parker, J.
 Patten, J. W.
 Pearson, O.
 Pechell, Sir G. B.
 Peel, rt. hon. Sir R.
 Peel, F.
 Pelham, hon. D. A.
 Perfect, R.
 Peto, S. M.
 Pigott, F.
 Pilkington, J.
 Pugh, D.
 Pusey, P.
 Rawdon, Col.
 Repton, G. W. J.
 Reynolds, J.
 Ricardo, J. L.
 Ricardo, O.
 Rich, H.
 Robartes, T. J. A.
 Roche, E. B.
 Romilly, Col.
 Romilly, Sir J.
 Russell, Lord J.
 Russell, hon. E. S.
 Russell, F. C. H.
 Salwey, Col.
 Sanders, J.
 Seymour, Lord
 Shafto, R. D.
 Sheil, rt. hon. R. L.
 Shelburne, Earl of
 Sheridan, R. B.
 Slaney, R. A.
 Smith, rt. hon. R. V.
 Smith, M. T.
 Smith, J. B.
 Somers, J. P.
 Somerville, rt. hon. Sir W.
 Spearman, H. J.
 Stanley, hon. E. H.
 Stansfield, W. R. C.
 Stanton, W. H.
 Strickland, Sir G.
 Stuart, Lord D.
 Stuart, Lord J.
 Sullivan, M.
 Sutton, J. H. M.
 Talbot, C. R. M.
 Talbot, J. H.
 Tenison, E. K.
 Thicknesse, R. A.
 Thompson, Col.
 Thornely, T.
 Towneley, J.
 Townshend, Capt.
 Tufnell, H.
 Vivian, J. H.
 Walmsley, Sir J.
 Wellesley, Lord C.
 Westhead, J. P. B.
 Wilcox, B. M.
 Williams, J.
 Wilson, J.
 Wodehouse, E.
 Wood, rt. hon. Sir C.
 Wood, W. P.
 Wrightson, W. B.
 Wyvill, M.

TELLERS.

Hill, Lord M.
 Bellew, R. M.

List of the NOES.

Alexander, N.
 Archdall, Capt. M.
 Ashley, Lord
 Baldock, E. H.
 Baldwin, C. B.
 Bankes, G.
 Bateson, T.
 Best, J.
 Blackstone, W. S.
 Blair, S.
 Boldero, H. G.
 Booth, Sir R. G.
 Boyd, J.
 Bremridge, R.
 Brisco, M.
 Broadwood, H.
 Brooke, Lord
 Brooke, Sir A. B.
 Bruce, C. L. C.
 Buck, L. W.
 Buller, Sir J. Y.
 Bunbury, W. M.
 Burghley, Lord
 Burrell, Sir C. M.
 Earroughes, H. N.
 Buxton, Sir E. N.
 Castlereagh, Visct.
 Chatterton, Col.
 Chichester, Lord J. L.
 Christopher, R. A.

Olive, H. B.
 Cobbold, J. C.
 Cole, hon. H. A.
 Colville, C. R.
 Conolly, T.
 Cubitt, W.
 Davies, D. A. S.
 Disraeli, B.
 Dod, J. W.
 Dodd, G.
 Duckworth, Sir J. T. B.
 Duncombe, hon. O.
 Duncuft, J.
 Edwards, H.
 Egerton, Sir P.
 Egerton, W. T.
 Evelyn, W. J.
 Farnham, E. B.
 Farrer, J.
 Fellowes, E.
 Floyer, J.
 Forbes, W.
 Fox, S. W. L.
 Frewen, C. H.
 Galway, Visct.
 Gooch, E. S.
 Gore, W. O.
 Gore, W. R. O.
 Granby, Marq. of
 Greenall, G.
 Gwyn, H.
 Hale, R. B.
 Halsey, T. P.
 Hamilton, J. H.
 Hamilton, Lord C.
 Harris, hon. Capt.
 Heald, J.
 Hervey, Lord A.
 Hildyard, T. B. T.
 Hill, Lord E.
 Hood, Sir A.
 Hope, A.
 Hotham, Lord
 Hughes, W. B.
 Inglis, Sir R. H.
 Jolliffe, Sir W. G. H.
 Jones, Capt.
 Ker, R.
 Knightley, Sir C.
 Knox, Col.
 Lacy, H. C.
 Law, hon. C. E.
 Lennox, Lord A. G.
 Lennox, Lord H. G.
 Leslie, C. P.
 Lewisham, Visct.
 Lindsay, hon. Col.
 Lockhart, W.
 Lowther, hon. Col.
 Lowther, H.
 Lygon, hon. Gen.
 Mackenzie, W. F.
 Manners, Lord J.
 March, Earl of
 Masterman, J.
 Maxwell, hon. J. P.
 Meux, Sir H.
 Miles, P. W. S.
 Miles, W.
 Moody, O. A.
 Mullings, J. R.
 Mundy, W.
 Naas, Lord
 Napier, J.
 Neeld, J.
 Newdegate, O. N.
 Newport, Visct.
 Newry & Mornes, Visct.
 Noel, hon. G. J.
 O'Brien, Sir L.
 Packe, C. W.
 Plumpton, J. P.
 Richards, R.
 Seymer, H. K.
 Sibthorp, Col.
 Smyth, J. G.
 Smollett, A.
 Somerset, Capt.
 Sotherton, T. H. S.
 Spooner, R.
 Stafford, A.
 Stanford, J. F.
 Stanley, E.
 Stephenson, R.
 Stuart, H.
 Stuart, J.
 Sturt, H. G.
 Taylor, T. E.
 Thompson, Ald.
 Thornhill, G.
 Tollemache, J.
 Trollope, Sir J.
 Turner, G. J.
 Verner, Sir W.
 Vesey, hon. T.
 Villiers, hon. F. W. C.
 Vyse, R. H. R. H.
 Waddington, H. S.
 Walpole, S. H.
 Welby, G. E.
 Williams, T. P.
 Yorke, hon. E. T.

TELLERS.

Hamilton, G. A.
 Beresford, W.

SUPPLY.

House in Committee.

- (1.) 9,000*l.*, Law Charges, on account.
- (2.) 5,000*l.*, Mint Prosecutions, on account.
- (3.) 10,000*l.*, Sheriffs' Expenses, on account.
- (4.) 5,000*l.*, Insolvent Debtors' Court, on account.
- (5.) 40,000*l.*, Law Expenses (Scotland), on account.

(6.) 80,000*l.*, Criminal Prosecutions, &c. (Ireland), on account.

(7.) 20,000*l.*, Metropolitan Police (Dublin), on account.

(8.) 150,000*l.*, Charges formerly paid out of County Rates, &c., on account.

(9.) 7,000*l.*, Superintendence of Prisons, on account.

(10.) 100,000*l.*, Prisons and Convict Establishments, on account.

(11.) 70,000*l.*, Maintenance of Prisoners, &c., on account.

(12.) 50,000*l.*, Transportation of Convicts, on account.

(13.) 100,000*l.*, Convict Establishments (Colonies), on account.

House resumed.

Resolutions to be reported on Monday next.

Committee to sit again on Monday next.

The House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS.

Monday, June 24, 1850.

MINUTES.] PUBLIC BILLS.—1st Law of Copyright Design Amendment.

2^d Titles of Religious Congregations; Drainage and Improvement of Land Advances; Crime and Outrage Act (Ireland) Continuance.

POST OFFICE ARRANGEMENTS— SUNDAY DELIVERY.

LORD BROUGHAM complained respecting the non-delivery of letters on last Sunday, and of the inconvenience to which he had himself been put, owing to the recent regulations of the Post Office. He had occasion to send an important communication to his brother Judges of the Judicial Committee on Sunday last respecting the causes which were appointed to come on this morning. He happened to be at Cashiobury, only seventeen miles from London. He wished to send some letters to London, and asked at what hour the post went to London? His hostess replied, "There is no post to-day." If he had trusted to the post, his letters, which, under the old system would have reached London early on Monday morning, would not have reached it, under the present system, till Tuesday morning, when they would have been utterly useless. He was, therefore, obliged to send off an express at his own expense, for which he could not obtain the slightest remuneration. His Lordship also mentioned a case in which a

patient had lost his life, because he could not communicate by post with an eminent medical practitioner on that day. The Address to the Crown had been passed by a considerable majority; but he believed that it was in consequence of a surprise, and he verily thought that the result of the Order in Council would be to desecrate the Sabbath rather than keep it more holy.

The MARQUESS of LANSDOWNE said, that he was not at all surprised at what he had just heard. Referring to a question which he had been asked at the last sitting of the House, and to which he had promised to give an answer as soon as he had informed himself on the subject, he could now inform their Lordships that there could be no doubt as to the power of the Crown to make regulations for the delivery of letters in the Post Office. In saying that the Crown had that power, he must also add that, in his opinion, that power ought not to be exercised except in accordance with the addresses from either House of Parliament. The power depended on the 9th clause of the 2nd and 3rd of Victoria, c. 52, which enacted "That all post letters shall be posted, forwarded, conveyed, and delivered under and subject to all such orders and directions, regulations, limitations, and restrictions as the Postmaster General, with the consent of the Lords of the Treasury, shall from time to time direct."

LORD BROUGHAM observed that the Crown had a monopoly of the delivery of letters at present; but Her Majesty's Ministers might depend on it that the recent regulations would be evaded in every possible shape and form.

The MARQUESS of LANSDOWNE said, that he feared the present regulations would be a constant source of the desecration of the Sabbath.

LORD MONTEAGLE said, their Lordships might depend on it, that an order so diametrically opposite to the interests of a great commercial country like our own, would lead to the devising of various ingenious modes for the evasion of the law. The only results which could be expected from such an order were great loss to the revenue, and a proportionate gain to the smuggler, who would become the future deliverer of letters on the Sunday.

DRAINAGE AND IMPROVEMENT OF LANDS ADVANCES BILL.

The MARQUESS of LANSDOWNE briefly explained the objects of this Bill, which

was similar to a former Bill which he had been compelled by the necessities of the times to introduce a few years ago, and which had been productive of the greatest benefits to Ireland. Upon the means which these advances would supply for improving the condition of the people of Ireland, very strong and very favourable opinions were entertained; and experience had shown that in many cases the land had yielded three times as much as before efficient drainage had been applied to it—to say nothing of the number of additional persons to whom an extended system of drainage would give employment; and he thought it would be difficult to overrate the great benefits which were likely to accrue from the measure to which he now moved their Lordships to give a second reading. By the present measure it was proposed to advance 2,000,000*l.* towards the improvement of the land, 800,000*l.* of which was to be set apart for the purpose of arterial drainage. Amongst the advantages with which this change was likely to be followed, he might mention that of the habitual introduction of taskwork throughout Ireland. It was not necessary, however, for him to trouble the House with any further observations, but simply to confine himself to moving that the Bill be then read a second time.

The EARL of LONSDALE observed that 200,000*l.* of the money to be advanced under the Bill might be applied to the erection of farm buildings, and no doubt some of the advances might be usefully applied to such purposes; but he thought the more there was applied to drainage the better.

The EARL of LUCAN wished to remind their Lordships that when farm buildings in England happened not to be in a good condition, the proprietor of the estate found it no difficult matter to borrow money, in case he had not spare capital of his own, for the purpose of putting such buildings into a satisfactory condition. In England it was always easy to raise funds for such a purpose, but in Ireland it was not so easy; and they could never hope to have a sound and respectable tenantry in Ireland till good farm buildings were erected. He had only to add, that there existed no reason to fear any abuse of the powers granted under the Bill before their Lordships, because nothing would be done without the sanction of the Board of Works in Ireland.

LORD BEAUMONT stated, that upon a

former occasion he had opposed any advances unless they were to be strictly applied to the purposes of drainage; but he thought that Ireland at present formed an exceptional case. Unfortunately, large quantities of land were deserted by the tenantry, and were thrown upon the hands of the landlord; it was, therefore, of the utmost importance that some such measure as this should be introduced to Parliament; for it was requisite that these lands should be properly divided, and have farm buildings erected upon them on appropriate sites. It was, of course, hopeless to expect that Irish landlords should have the means either of raising or of advancing out of their own resources the sums necessary for these purposes. Under these peculiar circumstances, and as wealthy tenants were not likely to bring money to Ireland at the present time, he thought they should waive the principle to which he had hitherto given his support; but, at the same time he was quite of opinion that some check must be placed upon the extent to which those advances might be carried. If they left the matter wholly to the discretion of the proprietor, they would probably find him investing sums in farm buildings, which in their character and extent might not be very appropriate to the soil or situation. Without some check the quantities of land to be attached to each set of farm buildings might be insufficient; and he trusted then that the noble Marquess would inform the House whether any such wholesome check was to be imposed.

The MARQUESS of LANSDOWNE quite agreed with the noble Earl, who thought it better that money should be applied rather to drainage than to farm buildings. In Great Britain assistance towards the building of farm houses was not required to be extended; but in Ireland it was otherwise, and great improvements were checked by the inability of landlords to provide out of their own resources farm buildings on a scale commensurate with the drainage going on there. The aid to be given to the improvement of the land in Ireland by means of drainage, was necessarily of a much stronger character than was wanted in England. There was a great disposition in Ireland, where it was practicable, to consolidate a great number of the small holdings into one, in order to meet the new state of things; but great improvements had been deferred by reason of the incapacity of the landlords to under-

take them from their own private resources. Every one of the applications that might be made under this Bill, whether they related to buildings or to the drainage of land, would be brought under the consideration of the Commissioners of Public Works in Ireland, who would be satisfied that such buildings or drainage were not only necessary in themselves, but would tend to the permanent improvement of the land, before such applications for aid were complied with. The Commissioners could have no inducement whatever to grant money for the undertaking of works which were not avowedly for the benefit of the country. He believed that a general opinion prevailed in the other House of Parliament, particularly among the Members connected with Ireland, in favour of the Bill; and he trusted their Lordships would sanction its second reading.

The MARQUESS of WESTMEATH feared that whether all the money were laid out on farm buildings or all on drainage, it would still be a matter of great difficulty to induce persons of capital to undertake the renting of Irish farms, so long as the poor-rates continued to be such a heavy burden.

Bill read 2^o.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 24, 1850.

MINUTES.] PUBLIC BILLS.—1st Portland Harbour and Breakwater.

3rd General Board of Health; Court of Chancery.

PRUSSIAN MINISTER'S RESIDENCE BILL.

On the Motion that this Bill as amended be considered,

SIR R. H. INGLIS: Sir, this is a Bill to enable the Prussian Minister in England to provide for himself and his successors a permanent residence, in the same manner in which Hertford House is occupied by the French Ambassador—I wish it was so occupied at this moment—and Ashburnham House is occupied by the Russian Minister, and Chandos House by the Austrian Minister. I shall take this opportunity of referring to the name of an individual who has been recently dragged before another assembly. I did not think there was any place in Europe, and I can say with equal confidence in America—I did not think amongst civilised men there

would be found any place in which such an individual would be made the subject of wanton, it not premeditated, insult. I feel that place was found where it could least have been expected, and without a desire to provoke a collision between the two assemblies, or even to—

MR. E. B. DENISON wished to know from the right hon. Gentleman in the chair whether the observations of the hon. Baronet were in order?

MR. SPEAKER did not know at present what bearing they had upon the Bill before the House.

SIR R. H. INGLIS: My hon. Friend the Member for the West Riding thinks I am out of order. It appears, therefore, that he has not yet read the title of the Bill. I apprehend that any Gentleman who will take the trouble to read that Bill will see that every observation I have hitherto addressed to the House is strictly in accordance with the subject of the Bill. The Bill is an Act authorising the purchase by the Prussian Minister in England of a residence for the use of the Prussian Legation; and further, the very name of the individual who now has the honour of filling that distinguished post is incorporated in the Bill. Therefore, I apprehend that the greatest stickler for the orders of the House will not accuse me again of violating the rules of the House when I call its attention, not only to the subject of the Bill, but to an individual whose name is incorporated in the measure. I repeat what I was stating at the time I was interrupted by my hon. Friend, that I do not desire to provoke a collision between any two assemblies, nor even between any two individuals; but I do maintain that it was a most extraordinary proceeding for a man at home in his own country, and in his own house, to attack one who was a stranger and a guest—that guest being, at the same time, the representative and, I may say, the friend of a Sovereign most closely allied to our own beloved Queen. I will not say that the Chevalier Bunsen is an inoffensive man, for it would be to degrade him almost to use such a phrase; but I will say that he is one of the most actively-kind and practically-benevolent men it has ever been my happiness to know; and, although I do not agree with his politics, nor in all respects with his ecclesiastical views, or his theological views, or his views on chronology, yet I know so well, and have so frequently enjoyed, the benefit of his large and varied acquire-

ments, that I forget every point of difference when I find such a man attacked. I willingly bear in mind his kind, frank, liberal, and, a week ago, he would have allowed me to add his English character and manners; and when I see such a man dragged before another assembly in violation—I will not say of the rules of that assembly, for I leave that question utterly untouched—but in violation, I will say, of all the courtesies of life, and that in the presence of many of Her Majesty's Ministers, who allowed such an incident to pass without observation, and certainly without reproof—I believe I am not encroaching needlessly on the time of the House, when, in reference to one who has been so attacked in another place, I give to English Gentlemen an opportunity of expressing their sympathy. I beg the House will allow me to add, that the explanation which has been given elsewhere upon this subject adds another insult to the insult previously perpetrated. It has been pretended that the Chevalier Bunsen does not understand English. Why, he understands English and writes English at least as well as the individual who presumed to attack him. Having had an opportunity of making this statement, and having received, I venture to think, the general concurrence of the House in my views upon this subject—having, at least, received the almost universal concurrence of the House, I content myself with saying in reference to this Bill that I give to it my cordial support.

MR. ROEBUCK: I wish to say a few words on the observations of the hon. Baronet—they are complete mis-statements; and I think he might have left the right hon. Assembly in which the circumstance occurred to right itself with the world at large on the subject. My noble Friend who has been supposed to have made the attack, states distinctly, that three several times speaking to the Gentleman whom the hon. Baronet has called his friend in plain simple courteous phrase, believing, as he says, that he was perfectly conversant with the English language, and with English courtesy, he said to him, "There are ladies who desire to sit down; you are in their place; they wish to sit down; will you permit them to do so?" To the astonishment of the noble Lord, that gentleman, the friend of the hon. Gentleman the Member for Oxford University, looked him in the face, and made him no answer. The request was made three several times;

and at once I say to the House, knowing my noble Friend, as I can very well understand, was rather offended at such a reception, his observation on the fourth occasion was (and I beg to suggest to the hon. Gentleman how difficult and dangerous it is to make a statement of this kind, on which I am bound, in common fair play, to make an opposite statement)—"I will have you turned out." When, on the fourth occasion, he did not receive an answer to a courteous question, he then put in force the orders of the House.

LORD J. RUSSELL: I think it would not be well to refer further to what may have occurred with respect to the Chevalier Bunsen in the other House of Parliament. Whether the statement of my hon. Friend the Member for the University of Oxford is right, or the statement of the hon. and learned Gentleman opposite is right, I will not stop to inquire, or say a word on the subject; but as the question has been generally mooted, I will content myself with saying that the acquirements and reputation and learning of Chevalier Bunsen are such as to obtain for him the respect of every country. I regret that anything painful should have occurred to him, for he is entitled to the greatest respect not only for his diplomatic character as representative of the King of Prussia, the near ally of this country, but also for his personal character.

Bill, as amended, considered.

AFFAIRS OF GREECE—FOREIGN POLICY.

LORD J. RUSSELL said, that in order to enable the hon. and learned Member for Sheffield to bring on his Motion that day, he was quite ready to postpone the Orders of the Day. Perhaps he might be allowed to add that there were two Amendments of which notice had been given. Of course the hon. Gentlemen who had given the notices would take whatever course they might think proper; but as the sole anxiety of the Government was that the question should be fully debated, and as the hon. and learned Member had raised a very fair and clear issue, perhaps it would be best that the Amendments should be withdrawn.

MR. C. ANSTEY said, that as the matter was one in which Her Majesty's Government were peculiarly interested, he would consult their wishes by not pressing his Amendment.

MR. HUME said, he should reserve to

himself the right of submitting his Amendment when the proper time came. Perhaps reasons for withdrawing it would arise in the course of discussion; and, if they did, he should exercise his discretion as he might deem best.

MR. ROEBUCK then rose and said: Sir, my duty towards the House commands me to explain to you why it is that I make this Motion. Sir, in my opinion, a Government like our own, when a large proportion of its administration has been condemned by one great branch of the Legislature, is unable either at home or abroad to maintain the interests of the country intact, to consult the great interests of the people of England, or to hold the reins of power with honour to themselves. If they were condemned by one portion of the Legislature, and the matter be left there unexplained, uninquied into, with no question asked, no opinion expressed, to foreign nations they would appear not a government; they would not be supposed to represent the feelings of England, and the interests of Englishmen in their hands would be undefended, and be crushed by the powers in the back-ground. But, Sir, when a portion of our Legislature has expressed an opinion so direct, so very plain, so utterly unambiguous, it becomes the duty of this House to ascertain what is the course to be pursued by the Government of the country, and to express their opinion with respect to the same point. Now, Sir, I am quite prepared to admit so far the proposition of the noble Lord that no Administration is called upon to resign upon a resolution of the House of Lords. I acknowledge that at once; but I must say that in a constitution like ours, in which we think it right to have a House of Lords, it is necessary that when the House of Lords have expressed their feelings and opinions, this House should step in and say what the people of England think upon the matter. If the noble Lord, after the resolution of the House of Lords, had determined to go on with the Administration; and if this House had permitted him to go on without any one suggesting a Motion to ascertain what was the opinion of this House—I say that in that case the noble Lord's Government would have been like a government which I have seen in my time: they would be dependent upon majorities, which were hardly majorities, upon an opinion which was hardly ascertained to be an opinion; they would be weak as regards this House;

they would be almost impotent as regards the country at large; and they would be utterly impotent in reference to the government of the world. Therefore I think it is the duty of this House to express an opinion upon the same point as that on which the House of Lords has decided; and because I believe this, and because I believe also that the noble Lord himself would be the first to solicit an opinion on this occasion, I come forward and ask this House to express an opinion on the subject. And, Sir, with one personal observation, I will dismiss this part of what I have to address to the House. The hon. Gentleman the Member for Buckinghamshire was pleased to speak of an arranged machinery. The insinuation, though couched in that allusive phraseology in which the hon. Member is so admirable an adept, was, nevertheless, very plain. But I beg to assure that hon. Gentleman that my course in this House has, from its commencement, been somewhat plain to all men's minds; that I, at least, have never shaped my course with reference to party interests or party disputes, and that no act of mine has been suggested by personal spite. I now, Sir, address myself to the question before the House. The House of Lords, in that mode which suits their peculiar habits, has, in as strong a way I think as is common in that House, in which there is more of that olden courtesy which used to govern the outsidings of men than is usually seen here, adopted a resolution which forms a plain, simple condemnation of the foreign policy of the Government. I assume that in spite of this somewhat *nisi prius* like fashion in which the whole matter was conducted—in spite of small technicalities that would have made the fortune of a young man at sessions, or one who should have been investigating an affidavit before the Court of Queen's Bench—in spite of the mode in which the proposition was placed before the House of Lords, I assume that there has been a condemnation in general terms of the spirit and principle of the current foreign policy of the Government. With this feeling, Sir, I brought myself to the consideration of the subject which suggested the resolution which I shall lay before the House; and I will at once acknowledge that, in coming to the consideration of that question, my mind was inclined to arrive at a conclusion favourable to the noble Lord who is at the head of the Foreign Office of this country. I came to it with a mind inclined in his favour; though at

the same time I say that it must not be supposed that mine is a blind approbation. For if any man in this House can make such a declaration, I certainly can say that I have often found fault with the noble Lord as sharply as most men in this House. I have often quarrelled with particular acts of the noble Lord; but I pay a compliment to the general principles which have, I believe, regulated his policy by coming forward on the present occasion to propose the resolution of which I have given notice. Sir, if I may illustrate this—I would say that on the second reading of a Bill in this House, we often say that we agree in its principles, but quarrel with many of its individual provisions. So I say on the policy of the noble Lord, that I concur in the principle which I shall immediately describe, though in many of the instances I have seen somewhat and much to condemn. Sir, I believe that the principles of the foreign policy of any Government affect two classes of things, those which regard individual rights and wrongs, and those which regard the general interest, the dignity, and honour of the country. The noble Lord the Foreign Secretary will have an opportunity of correcting me if I misrepresent his policy; but I believe that as regards individual wrongs and rights with reference to foreign nations, the object of the noble Lord has been to extend the protection and shield of England to her wandering sons, who are carried by commerce, or by pleasure, or by necessity, to the various regions of the world—to extend over them, as much as the rules of civilised nations will permit, the great ægis of England's protection, that it may follow them wherever they go, into the despotism of Russia, or into the bleak countries of America—whether they be within the limits of ocean, or within the confines of any Power, great, insignificant, or almost helpless. That, Sir, I believe to be the great principle which has actuated the noble Lord in his conduct as respects individuals with regard to foreign nations. With regard to the interests of this country as a whole, I believe the object of his policy to have been, in the first place, to maintain the peace of the world—to maintain it not by truckling to despotism, but by teaching all foreign communities with whom we have any relations, that in so far as she is permitted to do so by the rules regulating internal communication, England brings the great moral force of her name to maintain constitu-

tional government, not disorder—not to spread anarchy on the one hand, or despotism on the other, but to maintain peace by warning foreign Governments to make ready and proper and opportune concessions to the increasing enlightenment of the people; telling those people that so far as our physical power is concerned, it is not to be employed in coercing their rulers, but that in so far as the moral influence of this country and the opinions of its Government are concerned, the world shall know that we are friendly to all endeavours, wheresoever we may find them being made on the part of men, to vindicate for themselves the right of self-government. And if I could believe that an English House of Commons would come to a conclusion which would put a negative on that principle, then I should say we were not the people that the world had supposed us to be, from whom had emanated all that was glorious in the self-government of man. It is upon that principle, I believe, that the noble Lord has acted. Sir, I have a right to ask what is the antagonist principle. Can I not suppose that there might be a Minister in this country who, using the forms of constitutional government, should ever direct them to aid the despotisms of Europe? Can I not suppose the thing? And can I not also suppose—call it not despotism, but legitimacy—that there might be a Minister in this country who should so advance legitimacy as, under the softer expression, to bring in a much harder thing, and to make tyranny safe in Europe? Sir, I believe that this antagonistic principle is now within sight; I believe that the House of Commons is on the present occasion not merely called upon to decide the Ministerial existence of hon. Gentlemen opposite—[*The hon. and learned Member spoke from the Opposition side of the House*]—for as far as I am concerned, that is a matter of very little importance; I believe the question to be decided is, whether England is openly, frankly, and without hesitation, though amicably, to say, “We are friendly to every effort of man for self-government; we do not desire to assist any anarchical opposition to Government; we do not seek by physical force to thrust anything on any Government, but we do seek by that moral influence which is every day ruling Europe to favour the efforts of men who are rising up to govern themselves, and endeavouring to quench the tyranny of those who would crush these efforts to obtain what we con-

sider amongst the first birthrights which nature has given us." I believe that to be the ruling principle of the noble Lord's policy. I am bound to say it is impossible, considering how long the noble Lord has been in the Councils of Her Majesty, to go through every individual act of his Ministerial policy. I therefore take large results; and, taking large results, what do I find? Let me compare, in a few words, the result of the policy which has been pursued by England from the year 1830 down to the present time, with the result of the policy which was pursued by her from 1790 to 1815. In 1789 broke out that grand result, for such it was, of the increasing enlightenment of Europe with respect to the despots of Europe—the first French Revolution. The whole result depended upon England. What were called the legitimate Governments of Europe banded together; and, unfortunately, England supported them. The consequence was seen, and may be read, in the most terrible conflict that the annals of mankind record—blood shed like water, wealth scattered with a prodigality of which no record of any other time presents a parallel. From 1789 to 1815 the great comity of nations was broken up; we were separated into enemies; relations of every kind depended upon force, and he who was mightiest in the field was alone regarded. Mankind were absolutely astounded with horror at the scene of destruction and the strife and confusion which followed. It was only by the striking down of that wonderful man whom the exigencies of France had raised up—the mighty Napoleon—that peace was brought back to mankind. In that fearful lesson we read a rule for our guidance in future. From 1815 there was a constant protest on the part of the whole body of the people; and at length, in 1830, the volcano burst, and the legitimate Bourbon family was again dispossessed. Sir, I feel it due to the great man who was then at the head of the Councils of England, to give him the great glory of having begun the new principles which have distinguished our foreign policy from that time to the present. The Duke of Wellington was at the head of the English Councils when that mighty conflict of the people of France commenced. A post did not pass by before he—well read as he was in the mighty contest that was proceeding, and fitted, by his knowledge and experience of civil affairs, by his position, by his capacity, and by all his powers, to say, "I have

during my whole life, been reading a lesson of war and peace, and I assume to myself the responsibility of beginning a new foreign policy"—scarcely, I say, had a post passed by when the Duke of Wellington acknowledged the Government which the new revolution of France had established. From that time to the present, the same policy has been pursued. As was to be expected, that revolution created great excitement in Europe. Belgium followed, and Poland also. The feelings of the English people were differently expressed. Let other nations say what they will, we are far ahead of them all as regards our notions of constitutional government. Our battle was fought in 1640; and as, since that period we have had great experience, it was befitting that we should set before the world an example of a peaceful revolution. The people of England dispossessed the House of Lords of the power of making the House of Commons. The Government of France was carried by barricades; the revolution of England was effected through the forms of this House: the one was expressed by a change of dynasty; the other, by an Act of Parliament. But that revolution changed not merely the form of government, in as far as these peculiarities were concerned, it changed the Government itself. The noble Lord then became Foreign Secretary, and the first question submitted to his consideration was the revolution which had just broken out in the Netherlands; and I maintain that there is no portion of the noble Lord's political career that deserves higher commendation than the admirable foresight he exhibited in this matter. Had he followed the suggestions of many by whom he was surrounded—I do not speak of the great man, who is above all party considerations—I do not speak of him, but of those who, in this House or in the other, held principles antagonistic to those of the noble Lord on that subject—had he followed their advice, he would have opposed the separation of Holland and Belgium, and successfully opposed it. He might have done so, because the people of England are careless about foreign politics, and insulated in all their habits; but their Foreign Minister is all the more responsible, because they are so careless about foreign politics. It is a fact—I do not say I admire the apathy which would have permitted it—but it is a fact that the noble Lord might, if he had so pleased, on that occasion have prevented the separation of Holland from Belgium.

If he had done so, I believe that universal war in Europe would have been the consequence; but of this I am certain, that if the year 1848 had seen Belgium under the dominion of Holland, the convulsions of that year would have at once rent asunder the unnatural alliance, and Belgium would have at once rushed into the arms of France, as her natural friend and ally. Then again should we have had the northern Powers coming down, and again would we have had enacted the scenes which deluged Europe with blood from 1790 to 1815. Therefore, I say, not looking at petty and insignificant charges, although I shall have to allude to them before I sit down, not wasting the time of this House in the examination of mere technicalities, but judging of the noble Lord by the broad and recognised principles of his policy, I take the case I have mentioned as a type of that policy, an instance upon which the policy and powers of England were brought to bear, and which, if they had not been so brought to bear, would have been a fruitful source of misery to the world. On a sudden this House is surprised by a resolution of the other House of Parliament; and I would ask the House to contemplate, along with me, the peculiar position of Europe at the time. There are three parties to these resolutions: Russia, which represents the despotism of Europe; France, which represents its levity—I had almost said—and the protectionist party in this country, who are opposed to the present Government on account of their commercial arrangements. Such is the alliance which has been formed to overwhelm the noble Lord. I find in Greece a monarch coming from Bavaria, a man educated at a small German court, and with all the feelings that such an education must create, and acting in everything under the instruction of Russia and Austria. I must confess that, with such a council, and such diplomacy, I feel somewhat degraded when I hear of the name of England being mixed up in any of these discussions. I want no representation for this country in the shape of an ambassador at foreign courts to protect our interests. Let rather the great name of England be our shield, and let our ships, and not our ambassadors, when necessary, vindicate our honour. But Athens has always been the focus of hot and busy intrigue. We have seen evinced their constant sympathy with Russian diplomacy, which always looks steadily at

one point, and has the same end in view now as when Alexander proposed to Napoleon that Russia should have Constantinople for her portion of the spoil of the world. The same influences are now at work. Russia is the great inspiration, Austria being but her humble instrument and slave. And woe and shame to France, who, spite of all her glorious reminiscences, shrinks also into the form and character of a vassal of Russia. France, which once went against this northern Power, and almost overran her, and would have done so had it not been for the weather, has now suddenly forgotten the great guiding principles of her conduct, and thrown herself headlong at the feet of Russia. Why has she done this, and when does she choose her time? Why? Because at this moment the parties who form the Government of France wish to break through the constitution that created them, and, what is still more painful for me to mention, he who is the representative of an immortal name, as well as of a mighty people, makes paramount the consideration of his personal exigencies, and hopes by means of an insult to England to secure a dotation for himself. France, I say, wishes to get rid of universal suffrage, or rather the Government of France, which does not represent that great people—which does not represent French feeling—which is simply a body of men banded together for special ends and purposes. One set is working overhand and underhand for the purpose of restoring the legitimate monarch. Another set, under the semblance and name—the prostituted name—of order, is endeavouring to maintain their own individual ministerial existence; and these are the men who, aided by the worst of the bad, the wild anarchists, who in that country and in this promulgate their wretched ideas with respect to Government, have joined in this attempt to insult the greatness of England. Yes, the socialists and anarchists of France have lent their aid to the legitimists of that country, and both, taking advantage of the terrors of the middle classes, have tried to throw their great country at the feet of Russia. Well, Sir, at this time what occurs? The people of England are suddenly informed, through their Foreign Minister—having previously expected nothing and heard nothing, if I except blue books heaped upon blue books, and newspaper correspondence unreadable and unread, they are suddenly informed that the fleet of

Admiral Parker has been ordered to the Piræus. At once Englishmen erect their ears, and wish to know how it has occurred. People don't like the idea of it, they think there is something in it unusual and unheard of. The inquiry in every one's mouth is—'was ever this done before? And then the slumbering power, which is always ready, although apparently slumbering, in another place—that power which is always ready to oppose anything like liberal government—which can give a majority against freedom whenever circumstances may make it expedient, suddenly interferes. They do not like prodigally to use their power. I have heard many threats, and often, I do not know how often, of the Ministry being left in a minority in the Lords; but the ordinary answer is, that the Ministry do not care about a defeat in the Lords. These things happen in consequence of the great ignorance and apathy of the people of England as respects foreign policy: but there was one very curious thing which I heard just before those occurrences took place, and I would ask this House seriously to bear it in mind. The people of Hungary had risen against the despotism of Austria. In a close but unfortunate conflict they had succumbed to the united power of Austria and Russia. The patriots—and I will presume to call them so—escaped; and to whom did they go for succour? To Turkey. With that bloodhound pertinacity which distinguishes every despot and every despotic Government, they were steadily followed by their enemies, and having arrived in Turkey they were demanded with an insolence which had never before been practised towards an independent nation. It was demanded of Turkey that she should deliver up those who had thrown themselves upon her for protection to those despots and tyrants who had flogged women, and tortured men in a manner which had been almost forgotten since the dark ages. But the noble Lord worthily represented England on that occasion, and said, "It shall not be." Our fleet—and glory be given also to France, for her fleet assisted us—our fleet told these two despotic Powers that such a violation of the rights of nations and of hospitality should not take place. The mere appearance of the fleet of England, as it approached the Dardanelles, stopped these wretches, and England vindicated the rights of nations simply by the appearance of one of her fleets surging into the Helles-

pont. It was shortly after that circumstance that Count Nesselrode, writing to M. Brunow, said—

"It is painful that this should have occurred just as Admiral Parker has been to the Dardanelles on his very disagreeable mission."

Soon after the people of England woke up one morning, and heard that their fleet was in the celebrated Bay of Salamis. Now what is the charge brought against the noble Lord? They say, first, that his demands are unreasonable; next, that the amount claimed is insignificant; then, that the amount was exaggerated, and that the means adopted were imperious, hasty, uncalled for; and, lastly, it is averred that the time of demand is inopportune and improper. I shall be obliged if the House will permit me to examine these charges in some detail. I shall be as short as I possibly can, but must remember, that in attempting to be brief, I might only become obscure, and therefore I trust that if in my anxiety to make everything clear, I encroach upon the patience of the House, I shall receive its usual kind indulgence. In the first place, I ask, was there anything unusual in these claims, or contrary to the law and practice of nations? Let us try: I will first take France, and I will ask the House to make the distinction, if any, for me. There is, first, the simple question as regards the demands made on the Grecian nation. There is next the question of how the French people have acted in such circumstances. These two are different questions, and let us keep them separate. The law of nations, I take to be, accurately speaking, no law. It is a system of general morality in which the rules are of necessity vague, and depend rather on the discretion of the country than to be settled by any tribunal, for there is no tribunal competent. I do not know whether the hon. Member for the West Riding is here, but as he is the friend of international arbitration, he would soon see and acknowledge the difficulty I have named. We can only get then at the principle or rather the practice of this international law, by observing the usages of civilised nations as regards it, and I suppose that when I take the people of France, America, and England, I take the three nations who may be considered to be, as far as civilisation is concerned, at the head of the civilised world. Now I will begin with France. We are told that this sort of proceeding is altogether unknown, or was unknown until originated by the noble Lord

the Foreign Secretary in the case of Greece. The cases in which the noble Lord interfered were five or six. There was the case of a man who was dispossessed of his land, the case of a man whose house was pulled down or turned inside out by the mob, the cases of the Navy of this country, insulted by the local authorities of Greece, and other instances of persons, subjects of this country, being cruelly tortured, flogged, and otherwise ill used. Now I believe it is very well known in this country, or at least it ought to be known, that in 1831 a French fleet appeared in the Tagus to insist on reparation for injuries done to French subjects during the reign of Dom Miguel. That may surprise some persons, but so it was. The poor unfortunate Portuguese said at once, "Oh, let us apply to England, let us ask her mediation." Her mediation was asked, granted, and offered to France, but refused by that Power. But what were the demands of France, because they form a striking and valuable lesson to Gentlemen who intend speaking on this subject without having given it any previous consideration, and also to certain Gentlemen in the Chamber of Deputies, who, without knowing what their own country has done in similar cases, have used language which were it not for the immeasurable superiority, the stern serenity, of the people of England, might be deemed insulting? But we are above such petty feelings. Soaring in our inapproachable greatness, we despise and disregard such attacks. The demands made by France, and consented to by poor Portugal, were what? They took ships, and threatened to bombard the town; indeed, they did shed blood. Their demands were, that a Frenchman, subjected to a severe imprisonment for a serious offence, should be liberated, and the sentence pronounced against him annulled by a special act; and that the judge should be dismissed. That was in times when we heard of "our dear Aberdeen," and when He was on the throne of France who had stepped in between the Monarchy and the Republic; and, having had the greatest opportunity that ever had been afforded of ruling for the benefit of mankind, had, through base personal feeling, lost and cast it all away! The demands of the French on that occasion were, further, that several French subjects should be indemnified; that a rule against arrest without a judicial decree should be observed; that the chief of police should be dismissed; and that all sentences

on French subjects for political offences should be abrogated. This was one case. But again, it is urged that this affair in Greece was a petty affair. I think I can find as petty. In 1842 it appears that the French Government felt that injuries had been done to some French subjects at the small and insignificant port of San Salvador, amounting in the whole to 1,000 dollars. A French ship went in immediately, and the captain said, "If you do not pay, I will at once bombard the town." The people refused, the French Consul retired, got on board the French ship, and raised the demand at once to 2,000 dollars. The town was immediately blockaded, and the poor people were at last obliged to pay the money. There was another instance in which France had sought to obtain by force, redress for injuries inflicted on her citizens. In Mexico she once complained that some of her people had been maltreated. It appeared that a mob had pulled down a factory; and so mad were the French for revenge, that they would not listen to any proposal of mediation. They demanded instant and full payment, and because it was not immediately conceded, they proceeded to bombard the port of San Juan d'Ulloa. I could go on with many similar instances, but I will take one which meets the case of one of the objectors to the noble Lord's policy. It is said that we have degraded ourselves by attacking a weak nation. Here is a case of French magnanimity as regards minor Powers. In 1844 the Governor of Senegal fancied that he had received an injury from certain African chiefs, and he immediately sent a ship, took possession of two villages, and chastised the people into compliance with his demand. Now mark the curious mode of proceeding, and let us consider that with great nations a blockade is a declaration of war, and must of necessity be so; but in dealing with weak and comparatively powerless nations it is really a merciful and a useful mode of avoiding war to take the preliminary step of a blockade—not reprisals, be it observed, as has been too often but most erroneously stated. This, I say, in dealing with weak nations, is far better than declaring war, and thereby risking the peace of the world. Now, I will go on with my illustrations of the course taken by other nations, for they are really instructive lessons—and I will first take the United States of America. There we have a people of the same

family as ourselves—there, in fact, we have our own blood, our own bone, our own institutions, and to a great extent our own feelings and habits. There we have a great maritime nation—a people as commercial as ourselves—a people anxious for peace, but jealous of the national honour, and careful of the rights and interests of her subjects. Now, I will take one or two curious instances of the course taken by that country under similar circumstances, some of them really instructive. It appears that in 1814, when, as is well known, America was at war with England, a privateer was fitted out in an American port, she was seen by an English brig of war, near the port of Fayal; this vessel chased the privateer, and took her under the walls of the fort of Fayal and set her on fire. Our brother over the water—our brother Jonathan, as America is generally called—presented his bill—but to whom? To England? No, she could not do that, for England was at war with her at the time—but she presented her bill to the Government of Portugal. But, says Portugal, what have we to do with it? The vessel was seized and burnt in spite of us. Exactly so, replies America, “that is just what we mean, it was done in spite of you, therefore pay us our bill.” Up to this hour that bill has not been paid; but at this moment vessels of war are on their way from the other side of the Atlantic, and, for aught we know, are even now at the mouth of the Tagus blockading that river on this account. Well, this is the example which great and enlightened nations set us. Take another case. There was an American vessel called, I believe, the *General Brooke*. It appeared that certain persons who called themselves custom-house officers removed that vessel from one harbour to another, and the vessel was in consequence wrecked. A bill was sent in to the Portuguese Government, and this is another of the claims for which the American fleet is proceeding to blockade the Tagus. There is still another case to which I will refer. The House is aware that Murat was for some time King of Naples. True, he was called a usurper by the legitimists of Europe, but he was *de facto* sovereign for a time. While in that position he seized and applied to his own purposes certain American property. He was shortly afterwards expelled and shot. Well, the inevitable consequence, as far as America was concerned, followed—a bill was sent in. But, said the Neapolitan

Government, Murat was a usurper, we have shot him. We can't help that, rejoins America, pay us our bill; and eventually, under the threat of sending an American fleet to Naples, the money was paid. How comes it that the sensitive feelings of English Gentlemen never found out these cases? France was allowed to go to Morocco and enforce her claims there without exciting the extreme sensibility of hon. Gentlemen, or rather noble Lords—and why? Because it did not suit them for party purposes to interfere at that time. I could go back to the history of our own country, and show similar examples. I could show that England has done the same thing over and over again, without complaint or objection. I have not stated half the cases I have before me of the United States or of France, but I may venture one or two as regards England. In 1831, at the time of the passing of the Reform Bill, with the House of Commons looking on, a British squadron was sent to Portugal to obtain satisfaction for injuries inflicted on British subjects during the time of Don Miguel, and on refusal hostilities were commenced, after which a settlement was obtained. And what took place in Greece? Simply this: For many years—and herein lies the misfortune and the difficulty of this case—for many years constant claims were arising, and complaints were being made, against the Government of Greece, by British subjects for injuries sustained by them; and in dealing with these claims the whole tone and manner of the Government of Greece requires to be known. Letters were written by our Ambassador setting forth these claims and complaints, which letters remained six months and some of them for two years unanswered and unnoticed. The complaints were reiterated, claim after claim was made; but no answer could be obtained. We forbore to take measures for enforcing satisfaction, knowing our own strength; but these successive demands remaining unanswered and unheeded, made us impatient. In one case thirteen years passed over without any attempt on the part of the Government of Greece to accord redress, and that the case of Mr. Finlay. Now, in regard to Mr. Finlay's case, the first thing I see in these papers is a letter from the Earl of Aberdeen, describing the claim as arising from a protocol entered into by Russia and France, which enabled Turkish proprietors to sell their lands in Greece, and under

which protocol Mr. Finlay acquired the property. Now the law of Greece required that when private property was taken for public purposes there should be an ordonnance describing the land, and that the value should be assessed and paid before taking possession—two very proper conditions before taking forcible possession of land for public purposes, and which we, the Parliament, in effect apply in Railway Bills and other cases when we empower parties to take forcible possession of land. But what took place in the case of Mr. Finlay? His land was taken possession of without any ordonnance. He applies to the Greek Government to know how it was, and he is told that the land was not taken for public purposes, and that he might take possession of it himself if he chose. He proceeded to do so, but was told you have no business here, and was unceremoniously turned out. Then he wrote again, and said, "I find the property has been taken for public purposes." And by whom had it been taken? It had been taken not for national interests, not for the purposes of an arsenal, or a mole, a railway, or other great national work, or even for a poorhouse, unless you can call the palace of King Otho a poorhouse—it was taken for the purpose of forming a garden where in his Majesty might disport himself, at the expense of the subjects of this country; and for this they turned this British subject out of possession of his land, refusing all payment or compensation whatsoever. At length the man, having applied again and again in vain, and tired of importuning, did what he had a perfect right to do, and, reading the duty of the noble Lord as I read it, he applied to the Earl of Aberdeen to intercede with the Government of Greece to obtain for him payment of his land. Now the first thing the Earl of Aberdeen did, on receiving this application, was to acknowledge the justice of the claim; for he says, writing to Sir E. Lyons—

"It appears from Mr. Finlay's statement that you are already aware of the merits of his case, and that you have had some communication with the Greek Government thereupon. It is only necessary, therefore, that I should instruct you to follow up your representations in favour of Mr. Finlay's claim in such manner as you may deem best calculated to obtain that compensation to which Mr. Finlay may appear to be entitled."

Now what is the answer to this? The people of Athens, it would appear, inherit at least one quality for which their ancestors were distinguished. They are capital hands at a lawsuit. They know how to

get out of a difficulty, or, at all events, to postpone payment, by availing themselves of the quirks and quibbles of the law. The reply was, "Why don't you try our legal tribunals?" Why, what was the use of that? Well, what did the poor man do? He said, "It is quite clear that I have no chance of redress but by dependence on my own Government. I came here to assist the Greeks in their efforts to obtain independence—I came to assist you against the Turks, and to do all I could for you—I bought the land under the guarantee of an English protocol, and now I demand my rights under English protection." But the Greek Government will now say, "We find great legal authorities of your own country quoted to sanction us in the refusal of your claims." And true it is that the great name of Lord Mansfield has been quoted to show that Mr. Finlay did wrong in appealing to his country: but I would ask those who made use of that great authority if they really read the case to which the opinion they quoted referred? I cannot believe that the noble Lord who brought forward that opinion, or any other man who read it, and quoted it as Lord Mansfield's, and as applicable to the present case, could have known the circumstances under which that opinion was given. That opinion was given, not by Lord Mansfield, but by Mr. Murray, one of the law officers of the Crown—not that I am about to do what has been done in another place, insult the law officers of the Crown, and my own brethren of the bar, by saying they would give an opinion any way; and I would suggest to the noble Lord who made that insinuation that he should judge of himself, not of others—but that opinion was given under these circumstances. A loan had been entered into by the Emperor of Germany—the Emperor Charles—whom Maria Theresa succeeded. The King of Prussia took Silesia, and it appeared that Silesia had been mortgaged as it were for that debt, and when the King of Prussia took it, by a treaty with Maria Theresa, he engaged to pay that debt. Afterwards certain injuries, as he supposed, were done to Prussia, by certain Prussian vessels being taken and brought in to our Admiralty, and which went through our Admiralty Courts for adjudication as prizes in the usual way. What was the course taken by the King of Prussia? He said, "I care not for these Admiralty Courts, I will assume for my own purpose that they are wrong, and I will confiscate this debt, be-

cause certain Englishmen have done injury to the subjects of Prussia." And what was the answer made by Mr. Murray and Sir C. Leigh, the law officers of the Crown? The answer of Mr. Murray and the others was, "The injury has not been done, for the vessels have almost all been released, and have gone through the Admiralty, according to the usages of national law; almost all have been released, and those which have not there are some doubts about." But they went further and said: "Here is a case in which the national honour of the King is concerned; he has entered into an obligation to pay this debt, and the idea of confiscating that debt because certain other people may have done some injury to Prussian subjects, never before entered into the mind of any man who was at all acquainted with international law." But here the case is stronger still. Here the injury is done to the English subject by the Government of Greece. The party injured says, "I have no chance against you—the foreign Government who have injured me—you have no tribunal to which I can appeal with any chance of receiving justice: I will, therefore, appeal to the protection of my own Government, and to international law." There can be no doubt in this matter, as it appears to me—and I am quite sure the noble Lord who referred to the case I have just quoted could never have read the circumstances under which it arose; for if he had, he never would have adduced it as a parallel case to the present. Now, I will read some of the statements made by our Ambassador as to the manner in which his demands have been met. I find in a letter, dated Athens, August 7:—

"I have not yet received any answer from the Greek Government to my note of the 2nd of July, respecting Mr. Finlay's claims, and the claims of certain Ionian boatmen."

On August 20, he again writes—"I am still without any reply to my letter, &c." I now come to the other claims, and here I will only trouble the House with one letter. Sir E. Lyons, writing to M. Colocotroni, gives this clear and unambiguous statement. He says—

"With regard to that part of my note of the 24th October in which I had the honour to inform you that I had been instructed by Viscount Palmerston to call your attention to the other unsatisfied demands of Her Majesty's Government, and to request that they should be immediately settled, you say that if any of those demands have remained unanswered by your predecessors you wish that they may be pointed out to you, in order that you may give your immediate attention to them. In reply to your request

I beg leave to observe that I have not had the honour to receive any answer to the note I addressed to you on the 7th October last—[and, mark, this is written on the 6th of December]—by desire of Viscount Palmerston, reminding you that no answers had been returned to the demands of Her Majesty's Government, which were made in my notes to your predecessors of the 14th of March and 12th of April last, on the important subject of the fulfilment of treaty engagements respecting the Greek loan of 80,000,000 of francs. Nor has any answer been returned to the note which I addressed to M. Coletti on the 20th May, 1847, requiring, for the third time, in the name, and by desire, of Her Majesty's Government, that that of Greece should, without any further delay, make good the loss sustained by the masters of six Ionian boats who had been plundered at the custom-house at Salcina in October, 1846. Nor has any answer been returned to the note I addressed to M. Glarakis, on the 21st October, 1847, by desire of Viscount Palmerston, repeating the demand for compensation which I had already made on behalf of two Ionians who had been illegally arrested and cruelly flogged by the police authorities at Pyrgos, on the 15th of May, 1847, and on behalf also of two other Ionians who had been arrested and ill-used by the police at Patras, on the 30th of May, 1847, and stating, with regard to those demands, as well as to the others which had not been satisfied, that Her Majesty's Government earnestly hoped that the Greek Government would no longer delay complying with them; for the Greek Government ought to be aware that it must do so sooner or later, and that the only effect of further procrastination must be to render it the duty of Her Majesty's Government to increase, in proportion to such delay, the amount of compensation which it required for the injured parties, and adding that the Greek Government would act unwisely for its own interests if it misunderstood the forbearance which had been shown on these matters by Her Majesty's Government; and if it were to infer from that forbearance that the British Government was not determined to compel the Greek Government to accede to those demands, if it should not be induced to do so spontaneously by its own sense of justice and of right. Nor have I received the explanations promised by M. Glarakis, in his letter to me of the 7-19th February last, respecting the violent outrage committed at Patras on an officer and boat's crew of Her Majesty's ship *Fantome*."

Now, I appeal to the House of Commons whether, after years of unanswered demands, there is in this letter anything unnecessarily stringent, anything uncourteous, in the proper sense of the term, or made more imperious than was called for to meet the exigencies of the case? To me it appears to be language in every way perfectly suited to the occasion; and if I were to seek for an example to compare it with, I would select that despatch of the Earl of Aberdeen's on the question of the Greek loan. The statement in that despatch, so far as the feelings of the Greek Government were concerned, was offensive and insulting—but not more so, I admit,

than the subject demanded—and far more stringent, more curt, and more rough than the language of the noble Lord the Secretary of State for Foreign Affairs. I could go on, but the House is aware that all these papers, one after the other, consist of reiterated but ineffectual demands on the part of the English Government, and then at last comes a long explanation of the whole transaction, step by step, from the beginning, which Mr. Wyse thinks fit to make, showing that for thirteen years some of these claims had been pending, and that all of them were at last refused. I am aware that people are too ready to take advantage of the vulgar and wretched prejudice against the religion of the Jew; but, for my part, I think M. Pacifico might have aptly quoted the passage of our immortal bard. He might have said, "Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions?" If a Jew wrong a Christian, what is his humility? Revenge. If a Christian wrong a Jew, what should his sufferance be by Christian example? Why, revenge. It appears that you have only to say that a man is a Jew to excite a prejudice against his honesty, and to raise the suspicion that he is making an usurious demand. Now, let us see what the demand really is in this case. In those countries the House is aware there is a prejudice existing against the Jews, and among other means by which that prejudice is shown there is a habit on Easter Monday of burning in effigy one whom they think a fitting representative of the Jewish people—Judas. But let us see how these Christians deal with a rich Jew. A rich Jew comes to Athens, and they all at once find that he hath eyes and ears like themselves—he may be conciliated because he may be able to effect a loan for them. Baron Rothschild was at Athens—therefore Judas was not to be burned. Such was the deference paid to wealth when belonging to a rich Jew. Judas was not burned. But the uninstructed felt that they had been deprived of their holiday, much as the English boys would feel, I suppose, if you did not burn Guy Fawkes on the 5th of November, except that the boys here only set up a shout on such an occasion. These people, however, while the Christians of Athens were at church, headed by certain young noblemen, one of them the eldest son of the Minister of War, attack the House of this English subject, frighten and beat his family, destroy his whole pro-

perty, throw everything they can out of the windows, and, in their spite and malice, throw oil over the richest furniture in the house. I read every letter on the subject, and I must say that, if I believe M. Pacifico wrote those letters, those letters prove him to be a man of education, one, I should say, of honourable feeling. I do not know him. I only judge of him by his letters; if any man knows anything of him to the contrary, let him express it. I judge by the letters. But I care not what he is. If he were poor and degraded as the poorest Jew that walks and buys and sells old clothes in London, he was born a British subject. He had a right to demand the protection of the English power. He was assailed in that which was to him as dear as to the richest amongst us. His family beaten—his children frightened—his married daughter made seriously ill by the terrible fright she experienced, having only just lain in! And I am to be told that they are only Jews! Why, it is a disgrace to this country such a reply. He asked reparation for that injury, and no answer is returned. He goes on. It was well known among the Greeks that no answer was returned. A second attack was made, and he tells the representative of England that he has been attacked a second time, and prays with almost piteous wailings the power of England to protect him; but he prays to God after the manner his fathers taught him, with as much honesty as you pray. Is there not something that ought to dignify even to ourselves the appeal of this man in his abject condition? Had he been the awful Baron Rothschild, don't you think that reparation would have been instantly demanded? Don't you think the despots would then say—"What! injure Mons. Rothschild, and not seek reparation for the injury!" And you would have well-turned periods in diplomatic papers, to tell the Greek Government that those injuries must not be permitted. But, because he was a poor Jew, his house and family are to be treated with insult, and all his demands set aside. Oh! but he has asked too much. Remember, the objection is not made to the amount. The objection is made to the principle; and do not let us run off upon the amount. Don't let us go on arguing about the amount with the introduction of an occasional joke turning on the French expression *lit conjugal*. That was a joke which raised a laugh, but it was a joke which could not be understood. I heard the joke and I

heard the laugh. The joke was pointless in form as it was vulgar in sentiment. I took pains to ascertain what was likely to be the real state of the case on the value of the furniture. Going to an upholsterer's, I said, "You cannot judge of the value of this stock, but I ask you whether there is anything extravagant or extraordinary in the price; and if one were to turn round to his Peers, and say, 'Have any of your Lordships anything of the same value in your houses?' was there any ground for believing that the question could be answered in the negative?" The reply was, "There is nothing;" and he mentioned several who had given orders, which had been completed out of his shop, of a far more expensive kind. He said, "If you go to a particular drawing-room"—there is a delicacy in mentioning names, and I don't want to do that—"there you will see things of quadruple the value." Then, it is thought singular that M. Pacifico should have such articles of furniture in his possession. What is the explanation? They were not intended for this unfortunate man's own use. But why should we not say it? He had no contumely offered him in saying it—he was, in reality, a tradesman who had the hope of selling those articles of furniture to advantage, and of selling them to the very man who denied him redress. Now we all know—there is not a man in this House who does not know—enough of eastern habits, even from the stories of his childhood, to know that hiding wealth is one of the means of safety in those countries where there is no law, and that you render a man more anxious to hide the more he is oppressed. The man bought the property; it was destroyed. I care not what was the exaggeration. It is the principle for which I contend. But then it is said that he ought to have gone to the courts; that there was no right for him to go to his country, but that he ought to have gone to the courts. What is the plain truth? The very day on which the outrage took place, a complaint was made to the Government. Now, in those countries there is a public prosecutor. It was the business of the Government to investigate that matter. They did investigate it, and they declared that it did take place in the broad day on the Easter Sunday. People were known to be there by name; the whole of Athens knew it; and yet they declared that they could not find the criminals. Now, was not that a denial of justice, and was not this man fully justified

in appealing to that which, though he be a Jew, is his natural protector—to the Government of England? I do hope, Sir, that the Government of England will be supported in this extensive view of the protection which England ought to afford to her wandering sons abroad. But I am told that there is a rule of international law which forbids such an appeal—that no one can expect to be better off in a foreign country than the subjects of that country. Now, I deny the whole principle. I deny it altogether, stated as it was, and clumsily guarded by this strange condition, namely, a constitutional Government. What is a constitutional Government? Depend upon it the Emperor of Russia would call his the most constitutional Government in Europe. Let an Englishman go to Russia. The Emperor of Russia's rule of law is, that what pleases him shall be law. What pleases the prince is the law. He may take one of his subjects, give him no account, no explanation, put him on a sledge, tie him neck and heels, and send him at once to Siberia. I appeal to the House of Commons—to both sides of the House—if an Englishman were treated thus, would you permit it? If not, where is your rule? It is good for nothing. The truth is, that the whole of this law is not in the proper sense a law. It introduces itself in each particular case according to circumstances, and is governed by exigencies, and the discretion of the persons connected with it. You will find that rule adopted by America, as well as England, and no American citizen would be supposed to be protected in Russia if he were taken by the neck and heels and sent to Siberia upon the mere *ipse dixit* of the Emperor. What is the rule in Russia? The Emperor of Russia's rule is, that what pleases him is law; according to the old rule of Justinian—*quod placet principii*—what pleases the Prince is law. Why, according to the reading of it the other day, in total ignorance of these facts, it is supposed that a person must of necessity go through the courts. That is not necessary. If you have reason to believe that what you deem justice cannot be thus done, by all the rules of what is called international law, you have a right to make an appeal to the Government at home. I have read to the House, both as regards France and the United States, cases in which such an appeal was made directly contrary to the rules of the coun-

try in which they took place. Therefore, the rule laid down in another place is not the rule. And I say also, as regards this unfortunate man, M. Pacifico, notice had been given on the very day of his disaster. Now, what is the next objection? They say these are little isolated cases. Isolated cases! Are not all cases isolated in themselves, and was there not an accumulation of them here, one after another, until at last, so strong were they, that, not content with insulting a Jew, and attacking the house of a "canny Scot"—he hoped the House would not forget that expression—committed an act of violence against a member of the British Navy. What was that case? A young gentleman, the son of the Consul, is on board an English vessel. A boy, 12 years old, is shot, and while the father is on his way to his house, the whole boat's crew is seized upon. Oh! but it is said, can you believe that an English crew could be taken by four Greeks? Why, I suppose that four could have rowed the boat. A young boy—for he was nothing more—a midshipman was in command, and one of the sailors was wounded, and others were compelled to go into custody. Now, what occurred? First, a lie is told. They say it did not occur to the *Fantome*, but to the *Spitfire*, thereby broadly contradicting the honourable word of an honourable young man, and denying any right to make an explanation or apology. So soon as the real state of the case was discovered, the men were found to be innocent. What was the origin of that? The parties said that two English vessels entered the Grecian harbour with an intent to create an insurrection, and overturn the Government; and, therefore, precautions were taken by the authorities to put the English into prison, saying that they had put on board persons who ran away from the island. The words of honour of the English were not accepted; but they were told that they spoken falsehoods. The English gentleman, who then represented the English nation, if he had not insisted on an immediate apology, would have been wholly unfit to represent this country. I will not go further into that case; I have done enough, because we are not to judge of these cases by the individual importance of any one of them. If you relax the law among nations half civilised—if you relax the law by which the people of this country are guarded when they are abroad, there will be no safety for English

commerce. But, I am told mediation was offered; and now I suppose I shall be met by favourite phrases of the Peace Society. But, if anybody hopes to preserve peace by making all the world believe that nothing shall induce us to go to war, what must be the result? I shall never forget the lesson read me by the hon. Member for the West Riding of Yorkshire on a very peculiar occasion—namely, at a peace meeting, where his warlike tendencies so broke out, that he begged pardon of the persons he was addressing, saying, "Though you have asked me to become a member of this society, do let me say a word in favour of a war for Hungary." I well understood the generous impulses of the hon. Gentleman—he, as I did, felt for the Hungarians, and he, had he been in that country, would have been amongst "the rebels," with a sword in his hand. I suppose we are going to look at this Greek affair as men of the world, and going to ask what mediation meant. I have quoted an instance where France was offered our mediation in 1841. That mediation was refused. We, very properly I think, stood out, making our demand through our Minister, and getting no redress did, at last, urged on by the necessity of the case, take strong measures. The Minister who did that acted under instructions. He had no power in himself to do so, but the man who had the power was the noble Lord the Secretary of State for Foreign Affairs. Mediation was offered, and well did the noble Lord refuse it, but the good offices of the French people he accepted. What did they mean they would do? What did Baron Gros himself understand by it when he first went out? He understood that he was to endeavour to make the Greek Government yield to our demand. He was not to judge of the justice or injustice of our claims. There were many things of which we complained as regarded Greece. The affair of the *Fantome* was one, and the question of the Islands of Cérigo and Sapienza was another. It was most distinctly understood, by the papers which passed between M. Drouyn de Lhuys and Baron Gros, that these other complaints were to be left out of the case; and the noble Lord the Foreign Secretary himself was particularly marked and careful on that point. His instructions were complete and definite to his Minister. He said, "You must drop the consideration of the *Fantome* and the islands;" and it is clear, from the instruc-

tions given to Mr. Wyse throughout, that these circumstances were taken out of the investigation. So far as regarded M. Drouyn de Lhuys, there was no misunderstanding on this point. So far as regarded Baron Gros, there was no misunderstanding about it; but while he was there he changed the character in which he appeared; he changed it, contrary to the well-understood principles of the case. The explanation given by him on his first meeting with Mr. Wyse, of the manner and principles with which he came out, clearly demonstrates that he knew full well what he was come to do. Staying there, he came from day to day to the office, and at last pretended to be a mediator, to see whether our demands were just or not. But here comes the question with regard to France. While the negotiations were going on between Mr. Wyse and Baron Gros, M. Drouyn de Lhuys says to the noble Lord the Foreign Secretary, "Don't you think we can settle this business?" The noble Lord assented. They set to work. They make an arrangement. That arrangement did not reach Greece before a more defined one was made by Mr. Wyse to the Grecian Government, for Baron Gros gave up his mediation. "I withdraw from it," said he, "I can do no more—I withdraw from it temporarily." But now comes the point. After Baron Gros had withdrawn from the mediation, or good offices, he received a letter from M. Drouyn de Lhuys. The noble Lord wrote to Mr. Wyse, on April 19, informing him of the plan; but that did not reach Mr. Wyse so soon as a report got to Baron Gros of the conversation between the noble Lord and M. Drouyn de Lhuys. Baron Gros wrote to Mr. Wyse that he had heard of this conversation; and I do not know that the noble Lord has taken notice of it; but further on in the correspondence he will see that, on the 22nd of April, Baron Gros writes thus to Mr. Wyse:—

"A despatch, dated the 6th of this month, received by the last courier, contains word for word what follows. It appears, from the language held by Lord Palmerston to M. Drouyn de Lhuys, that 'if the British Envoy should refuse to accept a compromise which you might judge reasonable, and to which the Greek Government had acceded, the affair must be referred to London, and that, until a definitive decision, all things should remain in suspense.'"

Now, on the 24th of April, Baron Gros writes to Mr. Wyse as follows:—

"I have just received an express, which gives me important news. Lord Palmerston requires some changes in my first draft of convention,

which is very incomplete, I confess, but which has been in a singular degree improved as regards English views. But this is better than all. He has said to M. Drouyn de Lhuys, 'If the arrangement proposed by M. Gros does not meet the concurrence of Mr. Wyse, the negotiation would remain open. Mr. Wyse would submit the proposals of the negotiator to the British Cabinet, and would wait for instructions. Measures of coercion would be resumed without fresh orders only in case M. Gros should declare that he renounces the part of mediator.'"

Mr. Wyse had, two days before, assumed that Baron Gros had renounced the office of mediator. In the mean time came the arrangement of the noble Lord. I must, therefore, say a word or two respecting the two plans of arrangement, and the sensibilities of the French people in regard to them. I believe that that of the noble Lord was the more favourable of the two to the Greek Government; but they are so much alike that I can scarcely perceive any difference between them. The difference I believe simply to be, that the noble Lord asked for a larger sum at once, and took no security, while Mr. Wyse asked for a smaller sum at once, and took security. That I believe to be the whole difference between them. The noble Lord asked naturally, was it worth while to disturb, for so slight a difference, the first arrangement proposed? and thereupon up starts the insulted French nation. But is it the French nation? Was there not a curious coincidence occurring at the time—a sort of diversion, by the Government, of the public mind from the real state of the question, for a political purpose? Was there no dread of an *émeute* at Paris, and a belief that, by talking of a war with England, they might prevent the chance of what they dreaded? Were they not going to infringe upon their own constitution? And was there not a slight wish to increase the dotation? I do not say it was the French people, but that body of conspirators who now hold in their hands the power of the French people, and who, ignorant of the name of constitutional government, confound the force of war with the putting down by the sword and bayonet, in the name of freedom. Freedom! It does not exist in France. There is no free discussion permitted there. One after another newspapers are put down; and, in order to oppress their own country, they would set the world in a flame, and risk the happiness of mankind. I believe the people of France are themselves, and, as a nation, beyond the reach of such petty artifices. I be-

lieve they are opposed to these disgraceful performances. We know their unfortunate position. It cannot last. And before we talk of the terrors of war, let us look around the European world and ask where is the people who could safely go to war? Is it France? Is it Austria? and if so, where is Italy and Hungary? Could Russia go to war? The fact is, we are forbearing because we are so powerful. It is the weak who are always the most sensitive. Who is ever the most ready to fight in life? The man whose position is not determined in society. They who are the most powerful can best bear with opposition; can receive insult, and consider it not insult, but ascribe it to petulance if not to folly. I believe this a fair statement of the case of the noble Lord, and I have suggested enough to the House for a decision. I will only add one word more as to the form of that decision. I hope the House will not shrink from coming to a fair and proper vote upon the broad principle of the foreign policy of the Government. I trust my hon. Friend the Member for Montrose will not evade the difficulty by enabling hon. Gentlemen to ride off on the general policy of the Government. If their foreign policy does not get at the hands of this House a clear and defined unambiguous approval, they cannot remain where they are. There must be no cavil about the question at issue—no half measure of approval. There must be so broad, so clear, so strong, and so positive an approval that there will remain no doubt that they have maintained, and shall continue to have the power to maintain, the dignity of this country in the face of the world.

Motion made, and Question proposed—

“That the principles on which the Foreign Policy of Her Majesty's Government has been regulated, have been such as were calculated to maintain the honour and dignity of this country; and, in times of unexampled difficulty, to preserve peace between England and the various nations of the world.”

MR. M. MILNES seconded the Motion.

MR. HUME said, that having given notice of a Motion which he thought would have induced the House by a large majority to support the Government on the question submitted to them, and to remove the risk of what the noble Lord at the head of the Government stated to them on a former occasion, that the Government would resign if they had not the approbation of this House, he now found that his hon. and learned Friend the Member for Sheffield had rested his appeal to the

House—as he (Mr. Hume) had all along believed he intended to rest it—on the whole foreign policy of Her Majesty's Government. He found also that the noble Lord at the head of the Government was anxious that the result of the present discussion should rest on that. He, for one, did not agree, he could not agree, with all that had been said by his hon. and learned Friend. He did expect, after the notice of Motion he had given, that he would be able to vindicate the whole foreign policy of the Government, commencing with 1830. But, instead of that, after commencing with the affairs of Belgium, he jumped away at once to the affairs of Greece. He was sorry that his hon. and learned Friend had adopted so much of the *tu quoque* argument, and had insisted that England might do what other States were in the habit of doing. He had thought that England stood so high that she did not need to take example from other States in doing that which was unjust in itself. He and others had, long before 1830, arraigned the foreign policy of this Government as calculated to lead to war; and he heard with the greatest pleasure the speech of Earl Grey in 1830, when he declared that the principles of his Government would be non-interference, economy, and reform; but he was sorry to say these principles had not been carried out. An appeal had, however, been made to him, and he would not now resist that appeal, lest it should be supposed that he had other views, and meant to injure Her Majesty's Government. The fact was, that he was anxious that Her Majesty's Ministers should retain their present position. He supported their home policy—aye, and their foreign policy, too, if they pleased; but he was most anxious that they should remain in office to carry out the measures which they had supported, and which he believed to be for the good of the country. On these grounds he would withdraw his Amendment, and he was only sorry that he found he did not understand those among whom he sat. He must, however, express his regret that anything should have passed in this House to create or to continue a feeling of animosity between France and this country, as an alliance between these States he considered essential to the peace of the world. He was sorry that a single expression should have passed, and he hoped that no more would pass, to increase that estrangement. He would only say further, he was sorry he had undertaken this unsatisfactory duty.

It was pleasing to himself, but it was not pleasing to other parties with whom he acted. He never was ashamed of withdrawing when he found that by persevering he was not likely to effect the object he had in view, which was to secure for Her Majesty's Government the support of a large majority in the House, and therefore he would not press his Amendment.

SIR F. THESIGER said, that he assumed it to be after due deliberation that Her Majesty's Government had judged it proper to ask for the opinion of the House upon the original proposition of his hon. and learned Friend the Member for Sheffield, instead of waiting for the modification of either his hon. Friend the Member for Montrose, or of his hon. and learned Friend the Member for Youghal. It was impossible, notwithstanding the general extent of the Motion now before the House, not to advert to the circumstances under which that Motion had been brought forward by his hon. and learned Friend the Member for Sheffield. On Monday last a resolution was adopted elsewhere in these terms :—

"That while this House fully recognises the right and duty of the Government to secure to Her Majesty's subjects residing in foreign States the full protection of the laws of those States, it regrets to find, by the correspondence recently laid upon the table by Her Majesty's command, that various claims against the Greek Government, doubtful in point of justice, or exaggerated in amount, have been enforced by coercive measures directed against the commerce and people of Greece, and calculated to endanger the continuance of our friendly relations with other Powers."

That resolution was said to have been carried by a majority far beyond the gloomiest anticipations of the Government, and it necessarily created in their minds an anxiety as to the course which it would be proper for them to pursue. For two days they had preserved a deep and impenetrable silence. At last his hon. and learned Friend the Member for Sheffield thought proper to put a question to the noble Lord the First Minister of the Crown regarding the intentions of the Government in the critical circumstances which had occurred, and he elicited from the noble Lord the remarkable declaration which he had made in the House on Thursday last, when the noble Lord, after adverting to the terms of this resolution, stated that it was not the intention of the Government to depart from their course of foreign policy; that they had no intention whatsoever to bow to the

decision of the other House; and that they certainly had not the least disposition to resign the reins of office into the hands of those who had carried that resolution. The noble Lord, then, in support of the course which the Government intended to adopt, took occasion to cite certain authorities which he conceived applied to the particular situation of the Government in reference to this question; and the noble Lord then told the House "that 140 years ago the House of Lords had passed a resolution and address, that it would not be consistent with the safety and the honour of this country to make any peace with France which should leave Spain and the Indies in the possession of any branch of the House of Bourbon;" and the noble Lord added that, notwithstanding that resolution and address were carried on a division in the House of Lords against the Government, a treaty was afterwards entered into with France by the Executive Government, by which Spain and the Indies were left in the possession of a member of the House of Bourbon. The noble Lord further said that no longer ago than the year 1833, the Duke of Wellington had brought forward a Motion in the House of Lords for an address to the Crown on the state of the foreign relations of this country with Portugal; that Earl Grey declared in his reply that if that resolution was carried he should consider it as a vote of censure, and a stigma upon the Government; that that resolution was carried—as it undoubtedly was by a majority of ten—that, notwithstanding that majority, the noble Earl then at the head of the Government had continued to pursue the same line of policy as before, and the noble Lord, then, as now, at the head of foreign affairs, had declared in the House that, notwithstanding that resolution of the House of Lords, he should continue, and not swerve from, the course of policy he had theretofore adopted. But the noble Lord, in citing those cases, had been—he (Sir F. Thesiger) had almost said, not very ingenuous—in his statement of the last resolution of the year 1833, because the noble Lord had forgotten to mention that four days after that resolution had been carried by a majority of ten only in the House of Lords, a habitual supporter of the Government—of course by arrangement with them—had brought forward in the House of Commons a Motion approving of the policy pursued by the Government towards Portugal, and that that Motion

was carried by a majority of 263, there being only 98 Members who voted in the minority on that occasion. That was a very important circumstance to remember, when considering the present posture of affairs, to distinguish the position of the Government of that day from the course taken by the noble Lord on this occasion. The Government of that day appealed to the House of Commons from the decision of the House of Lords, and obtained the sanction of the former branch to the continuance of the same course of policy they had been adopting. The noble Lord was fond of citing precedents when they were in his favour, and he selected those parts which suited his purpose, rejecting the remainder. The noble Lord had adopted one part of the course pursued in the year 1833, by declining altogether to pursue a different course of policy to that which had been condemned by the House of Lords, but at the same time he had not thought proper to adopt the other part of the precedent, and to come down to the House of Commons to ask explicitly for a reversal of the condemnation of the foreign policy as pronounced by the House of Lords; because, if the noble Lord had followed the whole precedent, as he was bound to do, and had brought such a Motion before the House, he might possibly have found that a question raised in the House of Commons on the general policy of this country with respect to the Greek nation would have been a very hazardous experiment. But the noble Lord had found it necessary that a question should be submitted to that House, in order, if possible, to obtain the expression of some opinion. And so his hon. and learned Friend the Member for Sheffield, in the difficulty and embarrassment in which the Government was placed, had stepped forward to its rescue. He would not say, with the hon. Member for Buckinghamshire, that there had been an arranged or "obvious and offered machinery," by which the Motion had been submitted to the House in the very convenient form in which it had been conceived; but this much he would venture to say, that his hon. and learned Friend the Member for Sheffield had purchased by his conduct a claim to the substantial gratitude of the Government.

Mr. SOMERS rose to order. He thought that the observations of the hon. and learned Member were very invidious and unfair.

Mr. SPEAKER said, that the hon.

and learned Gentleman had said nothing contrary to the order of the House.

SIR F. THESIGER: When he had said that his hon. and learned Friend had determined to place himself in the gap, and to stand forth in support of the Government, by proposing such a resolution as that he had submitted to the House, he (Sir F. Thesiger) had some recollection of a debate which had taken place in the year 1843, in which his hon. and learned Friend had taken part, and there being in that debate no immediate and direct reference to the policy of the noble Lord at the head of Foreign Affairs. In the debate in that year upon the Affghan war, his noble and learned Friend had thought proper to express himself in the following manner with reference to the noble Lord and his policy:—

"I may be unhappy, most unhappy; I may be singular, in having the impression upon my mind; but I cannot help fancying that the noble Viscount the Member for Tiverton, who so lately ruled the destinies of this country abroad, has had a most pernicious influence upon our foreign policy. I cannot help fancying that if the name of England has been brought into bad odour with the world, the most active instrument in the production of that mischief has been the noble Viscount. In fact, if I might upon so serious a matter bring forward an almost ludicrous illustration, I should say that the noble Lord was best typified by a late production of modern science, which is called the lucifer match. No sooner does he meet with an obstruction than a flame immediately bursts forth. He puts his hand upon America, and it required but one move to bring upon us a war that, in all its calamities, would have been equal to a civil war. It was only by a miracle that we were saved from a war with France. It was not owing to anything that the noble Lord did not do that we were not thrust into a war with Russia. We had an unnecessary war in Syria—we had an armed body in the Persian Gulf—Englishmen, and those under them, have swept the whole plains of India, from the banks of the Indus to the confines of the Hindoo Coosh, under the noble Lord's pernicious influence, bearing with them all the consternation and all the horrors of war. In short, extending his mischievous activity over the whole habitable world—from the western coasts of America to the eastern coast of China (where war absolutely raged)—wherever the English name is known, the hideous consequences of war have been expected to follow. Therefore, I say, that I do look with suspicion upon every argument and every fact that may be adduced by the noble Lord or those around him, in vindication of the mischievous activity which he has displayed in perplexing and distracting our foreign relations with the world at large."

That was in the year 1843. The noble Lord had since returned to power, and he (Sir F. Thesiger) must do the noble Lord the justice to say that he had returned

entirely the same man. There was the most perfect consistency in the conduct of the noble Lord at the present time and at the time when he drew down such strong animadversion from his hon. and learned Friend the Member for Sheffield. There was the lucifer match at the Foreign Office again—there was the phaeton ready to set the world on fire. It therefore did appear extraordinary that his hon. and learned Friend, with those impressions, which it was to be assumed were sincere at that time, should have adopted the course he had taken on the present occasion, there having been observed since that time no alteration, as his hon. and learned Friend must admit, in the policy of the noble Lord. That such a resolution as that he had now proposed should have emanated from him, was one of the most extraordinary and inconceivable occurrences that could possibly be imagined. His hon. and learned Friend had undoubtedly not pursued the course which would have been the most convenient and proper one—he had not proposed a resolution confining the attention of the House to the Greek question, and calling upon the House for a reversal of the sentence of condemnation by the House of Lords of the Greek policy of the Government. His hon. and learned Friend had taken a much more prudent course. He had made his resolution so wide and extensive as to preclude the question of the policy of the Government as regarded Greece being considered specially, but at the same time had given to every one desirous to have an excuse for voting with the Government an ample range in which he might find some ground for the opinion he wished to express by his vote. But what did his hon. and learned Friend ask the House of Commons to do? He had said he wished the House to resolve “That the principles on which the Foreign Policy of Her Majesty’s Government has been regulated, have been such as were calculated to maintain the honour and dignity of this country.” He confessed he thought that there was some ambiguity lurking under that general term “principles.” He could not understand what his hon. and learned Friend meant by that word. He knew very well that all were agreed as to the abstract question of the principle that should regulate our intercourse with other nations; but he could not have thought that it was the intention of his hon. and learned Friend to confine his attention to that point. He

had thought it was his intention to call upon the House to approve of the principles of the noble Lord, as carried out in this particular instance. There was also an expression in the resolution in which he thought there was some ambiguity; he meant that in which his hon. and learned Friend proposed the House should say that the principles which had regulated the foreign policy of the Government had been such as in times of unexampled difficulty had preserved “peace between England and the various nations of the world.” What did he mean by “the world,” and the “times of unexampled difficulty?” Did he mean that expression to apply to this country, or to foreign nations? He conceded to his hon. and learned Friend that there had been difficulties abroad; but with respect to our own country he was not conscious that it had been placed in any difficulty whatever by which credit could be gained by the noble Lord or the Government for having steered safely through. The storm of revolution had visited other lands, prostrating thrones, and shaking States to their very foundations, while we had been happily preserved from these calamities in a state of peace and security, and the only interpretation he could apply to this expression was, that, from the strong desire which the noble Lord had invariably manifested to interfere on every occasion with other nations, it had been a difficulty to the noble Lord to keep his hands off and not to interfere with those States in the troubled position in which they had been unhappily placed. But his hon. and learned Friend explained his Motion in the word principle as embodied in the resolution; and there was no doubt had distinctly called upon the House by his proposed resolution to choose deliberately and advisedly between two courses of policy—one, the policy which he (Sir F. Thesiger) should call the policy of order against the policy of change; and the ground which his hon. and learned Friend had particularly selected for the confidence of the House in the conduct of the noble Lord was this—that wherever nations had been disposed to a course of what he called self-government, they had never been without the assistance of the noble Lord, who had invariably been ready to interfere to forward the result at which they aimed. No one could have heard the speech of his hon. and learned Friend without observing the striking contrast exhibited in the opinion of his hon. and learned Friend

concerning the foreign policy of the noble Lord, at the time when the right hon. Baronet the Member for Tamworth was at the head of affairs, and at the present time. And he now had called upon the House to approve of the interferences of the noble Lord, and to justify the course he had adopted as being the best calculated to maintain the honour and dignity of the country, and to preserve peace between England and the world. Inasmuch as this was the choice presented to the House, let them approach it, and let them endeavour, if they could, to trace the policy of the noble Lord in the liberal acts of his administration with respect to the different Governments of Europe, and of the world; and then he would venture to say that so far from the policy of the noble Lord being calculated to maintain the honour and dignity of this country, and to preserve peace, there was no course of policy that ever had been pursued more likely to embroil us with all nations, or which had, he regretted to say, resulted in a deeper humiliation. It was quite impossible to consider this question apart from that theatre of the noble Lord's most recent exploits—the kingdom of Greece—in which he had pursued that course which his hon. and learned Friend had described as calculated to maintain the honour and dignity, and to preserve peace between England and the world. He proposed, in the consideration of this question, to confine himself to two or three prominent features, so as not to exhaust the House, and leave it to those who would follow him the opportunity of supplying any deficiencies he might leave in his speech. He would go, as rapidly as he could, over the ground, and put the House in possession of the facts upon which he rested. The House would recollect that his hon. and learned Friend had descanted upon the policy of other nations in cases which were foreign to the present question, and that it was not until almost the last part of his speech that he had condescended to advert to the case of Greece—that being the only part of the policy of the noble Lord for which his hon. and learned Friend had asked for the approbation of the House. In considering this question of Greece, let her position be remembered, guaranteed as she was by England, France, and Russia, who, as his hon. and learned Friend said, had soared from their illimitable grandeur to protect her. Greece was unquestionably a very humble Power indeed; and

he apprehended that that very circumstance, considering the generosity we were always willing to attribute to ourselves, should have induced the noble Lord to abstain in his intercourse with that weak nation, from the threats, and the haughty and imperious language, and from the menaces, which he would not have ventured to use to any strong Power. There were certainly subjects of this country who had demands upon the Greek Government, in some degree, he admitted, founded on justice; but many of them most extravagantly and exorbitantly exaggerated. There was reason to complain of delay on the part of the Greek Government. The noble Lord the Foreign Secretary had thought proper to insist upon the satisfaction of those demands in a tone and manner most ungenerous and most unbecoming, and to enforce those demands by a most enormous and overwhelming fleet; and when at last he had agreed to submit to the good offices of the French Government to effect an adjustment of those claims, the conduct of the noble Lord had led to so much suspicion of his good faith, that in the result the noble Lord, being humbled and compelled to submit to terms he had originally refused, had left an impression on the mind of the people of France which he believed would not speedily be effaced. Thus the noble Lord had done everything in his power to alienate from us one of the best, the closest, and most intimate of our allies. In order to make good these assertions, he would confine himself to the cases of Mr. Finlay, of M. Pacifico, and that of the six Ionian boats taken by the Greek brigands. In the first case, it appeared to him that his hon. and learned Friend the Member for Sheffield had not prepared himself with the facts. Mr. Finlay was certainly a British subject. In 1830 he had purchased a small plot of land amounting to three quarters of an acre for the sum of 10*l.*, or 300 drachmas, from persons who had been compelled to give it up for other purposes. No doubt Mr. Finlay had realised a very good bargain. In 1836, a portion of that three quarters of an acre had been—unjustly, he admitted—seized upon and enclosed within the intended garden of the royal palace. At that time the Greek Government was virtually despotic; yet it was not correct to say, even under those unfavourable circumstances, that the Government utterly denied the right of Mr. Finlay to indemnity. The mere question between them

was with regard to the amount of compensation. It appeared that the King of Greece then appointed a commission; that the commissioners, having examined the royal archives, came to the determination that the land of Mr. Finlay, and also the land of 100 other proprietors, which had been taken for the same purpose, ought not to be valued at more than half a drachma for a square yard. The other hundred proprietors agreed to accept these terms; but Mr. Finlay refused them, as he had a perfect right to do; and when it was considered that his claim for the land, for which he had paid 10*l.*, and of which a part only had been taken, amounted to 1,500*l.*, it must be admitted that the difference was sufficiently large to be worth a contest. But in 1843 a constitutional Government was appointed in Greece, and then Mr. Finlay's position became materially changed; for although up to that time all the tribunals of the country were not open to him, yet the House would find that from 1843, as he himself had admitted over and over again, he had a right which would have been recognised by those tribunals. He never ceased to solicit the good offices of our Government to compel the Greek Government to do him justice; and a council having been appointed, they reported that the claim of Mr. Finlay should be referred to arbitration. Mr. Finlay admitted, in one of his letters, that that was a fair and just mode of satisfying his claim, if equitably carried out. The question thus raised between the parties was not as to who should be the arbiters, but as to who should be the umpire, supposing the arbiters to disagree; and it being proposed, and fairly and justly proposed, that the umpire should be an indifferent person, the Greek Government, on the other hand, made what he admitted was a most unreasonable proposition, namely, that the umpire should be nominated by the president, and therefore would be one necessarily under the influence of the Government. The matter went on, and the first blue book was presented to the House in February, 1850; and his hon. and learned Friend would find, by a reference to that part of the report which referred to Mr. Finlay's claim, a letter from Mr. Wyse, dated 20th of August, 1849, being the last part of the blue book, and stating that he had not received any answer from the Greek Government to his note relating to the claims of M. Pacifico and Mr. Finlay. But he would pass by that, and come to the point whether

the case of Mr. Finlay was one justifying the Government in interfering in the way they had, by hostile aggression, in order to obtain satisfaction; and notwithstanding the great authority of his hon. and learned Friend in international law, he (Sir F. Thesiger) would contend that it was not a case for hostile aggression. The Government might have interfered with good offices, and have offered mediation; but they had no right when there was no complaint but delay on the part of the Greek Government to go with an armed force and exact from the Greek Government a satisfaction of Mr. Finlay's claim. His hon. and learned Friend had denied, or rather had endeavoured to deny, the force of the opinion which had been expressed by Lord Mansfield; and he understood his hon. and learned Friend to say that there was, in fact, no system of international law now prevailing. Now he (Sir F. Thesiger) had always supposed that at this day all civilised nations had agreed to a certain code which regulated the intercourse between them—that there were certain principles as well known and as firmly established as the municipal law of each country itself could be; and he found that Vattel upon this very question had laid it down that nations ought not to interfere in cases of their subjects in foreign countries, or grant them protection except in cases where justice was refused, or where it was palpably evident that injustice had been done, or the law had been openly violated. Vattel says—

“The Prince, therefore, ought not to interfere in the causes of his subjects in foreign countries, and to grant them his protection, excepting in cases where justice is refused, or palpable and evident injustice done, or rules and forms openly violated, or, finally, an odious distinction made to the prejudice of his subjects, or of foreigners in general. The British Court established this maxim with great strength of evidence on occasion of the Prussian vessels seized and declared lawful prizes during the late war.”

The same maxim had been established in the seizure of the Prussian vessels, and in that celebrated opinion, perfectly well known to his hon. and learned Friend, and which had been referred to already, which was signed by three other persons besides Lord Mansfield—an opinion which had attracted the admiration of the most famous philosophers and jurists, including Montesquieu, who had designated it *une reponse sans replique*. Lord Campbell, in his life of Lord Mansfield, in allusion to an opinion given by that eminent Judge on an

analogous case, said, he, having often been engaged in drawing papers of a similar character, never regarded them without mixed feelings of admiration and despair—despair, that he never should be able to cope with such an argument as this. Lord Mansfield said—

“The law of nations, founded upon justice, equity, convenience, and reason, and confirmed by all usage, does not allow of reprisals, except in cases of violent injuries directed or supported by the State, or justice absolutely denied in *re mi-nime dubia* by ordinary authority, and afterwards by the courts. Where the judges are left to give assistance according to their consciences, though their judgment should be erroneous, there would be no ground for reprisals; but in doubtful questions, different men think and judge differently; and all a foreigner can desire is that justice should be impartially administered to him, as it is to the subjects of the prince in whose courts the matter is tried.”

[Mr. ROEBUCK: Hear, hear!] His hon. and learned Friend cheered; but what was the fact? Mr. Finlay was not denied justice; but it was distinctly stated that he was procuring it before one of the competent tribunals of the country, and the question to be decided was, as to the character and amount of the compensation. Mr. Finlay had not exhausted all the means of obtaining justice which were offered by that country, and therefore a case had not arisen to call for the hostile attack of this country upon Greece. [Mr. COCKBURN: Hear, hear!] He had not done with this part of the question, and his hon. and learned Friend would find that he had cheered a little too soon. He (Sir F. Thesiger) complained with justice of the course adopted by the Government with regard to the papers which the noble Lord had thought proper to lay on the table of that House on the Greek question. By the papers in the blue book laid before Parliament on February 8, 1850, the Government would lead the House to believe that the question of Mr. Finlay's claim was at that time left in the same unsatisfactory state as was described by Mr. Wyse in the despatch dated the 20th of August, 1849. What would the House think when he told them, according to the papers recently laid on the table, that there was then in the possession of the Government a letter, which had been received so long ago as the 29th of October, 1849. This letter, which was written by Mr. Wyse to Viscount Palmerston, was dated the 18th of October, 1849, and announced that the claim of Mr. Finlay had been referred to arbitration in a manner which was satis-

factory to both parties, and Mr. Finlay stated that he was prepared to be satisfied with the result. The letter of Mr. Wyse was dated the 18th of October, 1849, and was as follows:—

“My Lord—I have the honour to transmit to your Lordship herewith copies of five further letters respecting Mr. Finlay's claim for indemnification for some land of his enclosed thirteen years ago in the garden of King Otho's Palace. Your Lordship will perceive that the Greek Government and Mr. Finlay have agreed to refer the case to arbitration, and that arbiters have been appointed by each party, upon an understanding that if these arbiters cannot agree, they shall appoint an umpire, and that whatever decision they shall come to shall be final.”

He asked whether it was not the duty of the Government to lay this letter before the House without delay, instead of letting it believe that there was no prospect of obtaining a settlement of Mr. Finlay's claim. The House was left with imperfect means of forming a judgment in order that Mr. Finlay's claim might swell the catalogue of claims against the Greek Government, and thus justify an interference in that kingdom. He, therefore, was entitled to assume, as all parties were agreed as to the mode of settling the claims of Mr. Finlay, whatever might be the opinion of his hon. and learned Friend on the subject, that they had no right to interfere to prevent the settlement taking place between the parties. He repeated they were not justified in making this claim of Mr. Finlay, as they had never an excuse for resorting to force. He now came to the case of M. Pacifico. He trusted that it would not be supposed for one moment that he was one of that class of persons who had been referred to by his hon. and learned Friend, and whom he described as entertaining low and vulgar prejudices against persons in consequence of their religious opinions, and, above all, as regarded those who were of the same religion as M. Pacifico. The hon. and learned Gentleman also said that parties entertaining such prejudices would infer that in consequence of the religion of M. Pacifico, he would make an exorbitant claim; but he (Sir F. Thesiger) did not share in such an opinion. He would take the circumstances of the case itself as he found them, and would not regard the question as affecting this individual as a Jew or a Christian. From the statement of his case laid before the House, a more absurd, a more unfounded, and, in some respects, a more exaggerated claim, was never laid before Parliament. He admitted

that a gross outrage was committed at the house of M. Pacifico at Athens, on Easter-day, 1847. His hon. and learned Friend was aware that it was customary on that day to burn a figure, and have a procession; but it happened at that time that Baron Rothschild was at Athens, and out of deference to the feelings of that gentleman it was determined that the usual ceremony should be dispensed with. By the adoption of this step on the part of the Greek authorities, Baron Rothschild was made the innocent cause of the injury done to M. Pacifico. Sir E. Lyons, in a despatch describing the proceedings which then took place, said that there were some brigands in the place who persuaded the mob that M. Pacifico was the cause of the prevention of the procession and other ceremonies, and induced the multitude to accompany them to the house of that person for objects of their own. From the papers on the table, it would appear that M. Pacifico had a house, well furnished, and a great deal of property in it. His hon. and learned Friend said there was a feeling on the part of certain persons to hide their wealth; but it certainly appeared to be a singular mode of hiding his riches, on the part of M. Pacifico, in filling his house with rich furniture. But M. Pacifico also had a large sum of money in his possession, according to the allegations in his claim. It appeared, however, that shortly before that time M. Pacifico lodged some plate at the Bank of Athens, on which he obtained a loan of 30*l.* at a low interest, in order, as he said, that he might lend it out at exorbitant interest. If M. Pacifico was, as he described himself, a rich man, with a most valuable property in his possession, and having also in his house a large amount in drachmas, it was certainly singular on his part to pledge his plate. He (Sir F. The-siger) should have thought that M. Pacifico would have found it would be a more convenient mode of transacting business, to have returned the advance which had been made to him by the Bank of Athens, and thus be enabled to have the full advantage of his own capital without paying interest for advances. It did not, however, appear to him to be a very likely circumstance that M. Pacifico was in possession of the drachmas which he alleged were in his house at the time of the outrage. Among other things connected with M. Pacifico, he said he had a claim on the Portuguese Government for upwards of 21,000*l.*, and that the documents which

made out this claim had been carried off by the brigands with other plunder. Fortunately, however, when the brigands and other plunderers left his house, they did not take away with them a list, which will be found in the blue book, containing the heads of this claim. A mistake seems to have occurred in representing this matter elsewhere, from its having been supposed that the plunderers of M. Pacifico's house had left a precise inventory of the property, with the value affixed to each article. What they did leave appears to have been a list containing the heads of M. Pacifico's claims upon the Portuguese Government; and a protest signed by several parties referring to this claim was also dropped by the robbers. M. Pacifico, in consequence of these proceedings, claimed damages from the Greek Government for the loss of his property by the destruction of his house, and for the amount of money abstracted from it, of upwards of 4,000*l.*, and for the loss sustained by him by the destruction of the papers relative to his claim on the Portuguese Government, which was originally stated at 21,000*l.* He now demanded for that amount and accumulated interest not less than 26,000*l.* The question was, what would any reasonable man think of such a claim? The claim in respect of the destruction of his furniture and property he must call a most exorbitant demand; and the other he hardly knew how to describe, but he might state that the only voucher for which was a document showing that the Portuguese Government had utterly repudiated any such claim. Notwithstanding the want of foundation for this extraordinary demand of M. Pacifico — notwithstanding, any man of judgment and experience, looking at this statement, would be satisfied that the claim was greatly exaggerated in some respects, and in others that it was without foundation, the whole was represented as a just demand by the British Minister at Athens. The noble Lord at the head of the Foreign Department adopted the claim of M. Pacifico as it was presented to him by the Minister at Athens, and ordered him to enforce on the Greek Government the payment of the whole of it, and also directed him, by an arbitrary proceeding of his own, to require the additional payment of 500*l.* for the present injuries said to have been sustained by M. Pacifico. In the first place, was this a case for reprisals, or a case for an hostile aggression, or for a demand in that haughty and im-

perious manner in which the noble Lord invariably instructed the British Ministers in minor States to make demands? He would ask whether this was a case in which the Government were justified in pursuing such a course as they had done, and which was not conformable to the law of nations. He contended this was a case for the tribunals of that country; and M. Pacifico himself recognised this when he appealed to the tribunals of the country to deal with the question. It appeared that an inquiry was instituted into this question by the Procureur General at Athens, and a council was assembled for the examination of six persons, who were said to be implicated in this transaction. The case was investigated at length before the council, and the result was, that that body expressed an opinion that there was no case to go before the assize court for trial; so that these six persons were discharged from custody. [Mr. ROEBUCK: Hear, hear!] His hon. and learned Friend, who was so fond of interrupting him with cheers, had better reserve what he had to say for his reply. His hon. and learned Friend must know that this was the regular tribunal of the country, and also that the proceeding was not an application for compensation for loss of property, but an application to enforce the criminal justice of the country by the punishment of the aggressors. He would venture to say that this was conclusive evidence that the tribunals of this country were open to M. Pacifico, not only for the punishment of those who plundered his house, but also for that compensation which the law would have afforded. The course which should have been pursued was, to have resorted, in the first place, to the tribunals of the country; and if justice was denied, there might have been some ground for the interference of the noble Lord. If it was clear that there was no chance of obtaining redress by these means, the noble Lord would have been quite right in requiring compensation. Suppose, in 1780, a riotous mob had broken into the house of a foreign Roman Catholic, and had plundered and destroyed the property in it—and no doubt many instances of the kind occurred at that time—would his hon. and learned Friend say that this was a case for the interference of the Government of the foreigner, to be enforced by an armed aggression? [Mr. ROEBUCK: Hear, hear!] Did his hon. and learned Friend by that cheer mean to say that he was prepared to de-

fend such a proposition? If he was, he (Sir F. Thesiger) was prepared to join issue with him. He would venture to say that there never was a case in which such a mode of proceeding was allowed. His hon. and learned Friend held up the blue book in his hand as if it contained precedents and authorities for such a proceeding; but he (Sir F. Thesiger) never found, when such authorities were examined, that they agreed together. As for the case of M. Pacifico, it was not a case for intervention on the part of a Government alive to the interests of the country, until the fullest inquiry had been instituted into it. Nothing could justify any proceedings similar to those of the noble Lord the Foreign Secretary until after the fullest inquiry, and the clearest conviction had been arrived at as to the justice of the claim. If there had been any inquiry they would have found that there had been most gross and absurd exaggeration resorted to in this claim. It would also be found that it was not until the period of the intervention of the French Government that there was any ground for supposing that M. Pacifico's claim should be made a subject of inquiry. He now came to the seizure of some Ionian boats at Salcina, which had been taken possession of and plundered by some armed men who were at that place. Sir E. Lyons, on receiving intelligence of this, lost no time in communicating the intelligence to the noble Lord. Shortly afterwards Sir E. Lyons received the following despatch from Viscount Palmerston:—

"The inclosures in your despatch (No. 87) relate to the plunder of six Ionian boats at Salcina, in the River Achelous. With reference to that subject, I have to instruct you to address a note to M. Coletti, stating that Her Majesty's Government expect and demand that the Greek Government will make full compensation to the Ionians for the losses and sufferings inflicted upon them by the Greek robbers and pirates who were allowed upon that occasion to take possession of the Custom-house at Salcina; and you will say that Her Majesty's Lord High Commissioner in the Ionian Islands will be instructed to ascertain the amount to be claimed on behalf of the masters and crews of the six Ionian boats, and to send you an account thereof. You will also state to M. Coletti that Her Majesty's Government trust that when the account in question shall have been given in, His Excellency will, without any delay, cause the amount to be paid to you, in order that it may be remitted to Corfu."

M. Coletti, as would be seen in page 191 in the blue book, replied to this communication of the noble Lord; and he did not think his hon. and learned Friend could have taken a more accurate view of the

transaction than was given by the Greek Minister:—

"The duty of the King's Government was to put down crime, and it has not neglected to do so. I think it superfluous, M. le Chevalier, to bring before your notice again the difficulties which are always opposed to effectually maintaining authority in the province of Acarnania; but no one is ignorant of attempts which have been made. Soldiers have fallen in encounters with the banditti; several of the latter have quite recently been killed. The pursuit is still continued, and, with the assistance of the Lord High Commissioner, I hope that the individual marked out as the principal author of the outrage committed at Salcina, the Ionian Tryphon, who has escaped from the prisons of Santa Maura, will at last fall into the hands of justice. Nothing will be neglected in order to obtain this result, which, I have much pleasure in hoping will be considered by the Government of Her Britannic Majesty as the fulfilment of the only obligation which the Government of His Hellenic Majesty can be held responsible for in this affair."

[Mr. ROEBUCK: Hear, hear!] Did his hon. and learned Friend mean to say that because some brigands had plundered some Ionian boats, that the Greek Government was bound to make compensation to the persons plundered, and if it was refused, the claims should be enforced by an hostile force? [Mr. ROEBUCK: Hear, hear!] He was again surprised to hear his hon. and learned Friend express his assent to such a proposition. He had endeavoured to confine himself, in the remarks which he had made, to the conduct of the Government as regarded the three principal heads of the claims which were ordered to be enforced by the squadron under Sir W. Parker. The claim of Mr. Finlay might be put entirely aside for the present; but M. Pacifico had made out no case, and there was no ground for saying that the Greek Government should be called upon to make compensation, and which, if it was refused, should be forced by aggressive means. When, also, compensation was demanded, the claim was made in the most strong and overbearing language, and in terms such as were never used by the noble Lord unless in addressing small States. This was done in the most offensive manner, for the noble Lord had thought proper to order the British Minister at Athens to call upon the Minister of the Greek Government, and demand the concession of these claims within twenty-four hours, threatening them with a hostile blow if they refused to yield within that period. He had great pleasure in reading to the House the affecting and dignified answer made by M. Londos to this demand made

by Mr. Wyse. The House would recollect that at the time this demand was made on M. Londos he had been only three weeks in office; and he was sure if the noble Lord was placed in a similar situation, he would have been glad to have asked time to plead. The letter of M. Londos was as follows:—

"Athens, Jan. 7-19, 1850.

"I have received the note which you did me the honour to write to me yesterday. It would be impossible for me to express to you the feelings with which it has been read by His Majesty the King of Greece and his Government. The whole nation will partake them. Greece is weak, Sir, and she did not expect that such blows would be aimed at her by a Government which she reckoned with equal pride and confidence among her benefactors. In the presence of a force like that which obeys your instructions, the Government of His Hellenic Majesty can only oppose its rights and a solemn protest of acts of hostility committed in profound peace, and which, without speaking of other interests of a higher order, are a violation in the highest degree of its dignity and independence. In this sad conjuncture, certain of the support of the Greek people, and of the sympathies of the whole world, the King of Greece and his Government await with sorrow, but without weakness, the end of the trials which, by order of Her Britannic Majesty's Government, you may still destine for them."

He (Sir F. Thesiger) thought that it was impossible for any one to conceive anything more calm and dignified than this reply of the Greek Minister to the threat offered to him on the part of the noble Lord. But no delay took place, and an overwhelming force was sent to Athens. No further delay was allowed after the peremptory demand made by Mr. Wyse. He was surprised to find that it had been stated by a noble Lord in another place that the circumstance of sending a large fleet to Greece to enforce these demands, was a compliment to the people of that country, for they could say that they yielded to a large fleet, but they had not been called upon to do so to a sloop-of-war. He thought it was a singular compliment for a large Power to send such a force against a weak State as to show that all resistance would be unavailing. This was a mode of showing to them their utter weakness, and certainly was a mode of compliment which could only have occurred to Her Majesty's Ministers. In the mode of enforcing the demand, a heavy blow was struck at the commerce of that country. The loss they had to sustain was heavier than the claims of M. Pacifico and all the other parties put together, setting aside the amount of the alleged claim for the destruction of papers connected with the demand on the Portuguese Go-

vernment. The whole claim of M. Pacífico for his house and furniture, including the jewels belonging to the female portion of his family, was 7,000*l.*, while it appeared that the value of the Greek vessels seized was 14,000*l.* It would be impossible, then, to tell the value of the ships and cargoes detained by the British fleet, or the loss which must be visited on their owners, and others, interested in their cargoes. These were the instructions under which the claims were enforced by the noble Lord and by his Minister at Athens, and by the instructions sent to the admiral on the station; and he would venture to ask the House whether they could go beyond them in the mode of enforcing these claims? Was the House prepared to go with his hon. and learned Friend in saying that the principle thus adopted and acted upon in this case by Her Majesty's Government was calculated to maintain the honour and uphold the dignity of this country? Let the House consider whether, in regard to the affairs of that country, matters were conducted in such a way as was calculated to maintain peace. It would be found in their books that there was a claim of long standing for the possession of the two barren islands of Cergi and Sapienza. The question was, whether they were a portion of the Greek territory, or whether they belonged to the Ionian Islands? On the claim being made by the British Minister, the Greek Government replied that no act of sovereignty had ever been shown to have been exercised by the Ionian Government in these islands; it, therefore, would be the more equitable course to give up these two barren islands to the State which was nearest to them. The British Minister stated that they formerly belonged to Venice, and, therefore at present they must be regarded as a portion of the Ionian Islands. This was a very different matter from the questions arising out of the claims of Mr. Finlay or M. Pacífico. This was a territorial question, in regard to which France and Russia had a right to interfere; for those Powers, together with England, had entered into guarantees for the maintenance of the independence of Greece, and the integrity of its territories. Notwithstanding this, the noble Lord, whose principles they were told were calculated to ensure the peace of the world, gave orders to the admiral to take possession of these two islands, and he believed this order was obeyed, and the admiral was for some

time in possession of them; but by this time Russia was roused by the injury and slight offered to her by the noble Lord; and it would be found in the blue book that a very able and very humiliating letter from Count Nesselrode had been communicated to the noble Lord, in which complaints were made of the conduct of the noble Lord with regard to Greece and those islands. It was true that this letter was, after some time, withdrawn. [An Hon. MEMBER: No, it was not withdrawn.] He had understood that the letter was withdrawn, and one of a more moderate character sent in its place. He found, however, by referring to the blue book, that it still remained by the side of the more quiet and peaceable communication. He understood a reply had been sent to the noble Lord, to which a rejoinder was returned; but they were not permitted to see either of these papers. That step was taken with regard to these complaints of Russia. At that time the rash order which had been sent to Admiral Parker had never been recalled; but the noble Lord was at length obliged to withdraw from the possession of these islands, while the control which he had endeavoured to exercise over the affairs of Greece had endangered the peace of this country, and created a suspicion as to our good faith. But Russia was not the only nation which was mixed up in the affairs of Greece. The noble Lord had contrived to infuse so much suspicion of a want of good faith on his part, so much doubt as to the course which he would pursue in these transactions, that that nation, which had been up to the year 1846 one of our dearest and warmest allies, now entertained a very different feeling towards us, when they found out the course which had been pursued. It appeared that in February, 1850, an intervention on the affairs of Greece, on the part of France, with the view of putting an end to the difficulties between that country and England, was proposed and accepted. The noble Lord proceeded in a very careful and subtle manner to give a description of the mode of proceeding. The noble Lord said this was not to be regarded as a mediation, but merely as an interposition of good offices. M. Drouyn de Lhuys said it was not an arbitration, but an interposition for mediation and the promotion of good offices. He (Sir F. Thesiger) confessed that it appeared to him that there was no difference between mediation and good offices. He thought when the good

offices of a party were called for, that they should leave to the ultimate decision of the party the determination of the matter in question. In one of the papers which were presented to the French Legislative Assembly on the affairs of Greece, there was a despatch from M. Drouyn de Lhuys:—

“Lord Palmerston agreed with me; only he told me that he would introduce into his note a paragraph for the purpose of well determining the nature of our intervention, which would be, not an arbitration, but a friendly mediation (*mediation officieuse*), an interposition of good offices. ‘Something,’ he said, ‘like what you did in the affair of the sulphur of Sicily, and what we ourselves did in your difference with Mexico.’”

In whatever character it was that the French Government intervened, he thought it was clear that it was in perfect good faith on the part of that country, and with a sincere desire to promote a final and satisfactory adjustment of these matters. This could be shown in the most satisfactory manner in the despatch from General de la Hitte to M. Drouyn de Lhuys. The General says—

“Whatever impression we may have received from the proceedings to which England has had recourse to enforce her claims, we ought to lay aside, as long as our mediation lasts, the painful sentiments which they have caused us. It is with perfect good faith that we have offered our good offices to the Cabinet of London. We sincerely desire an amicable arrangement, and, when a great Power is concerned, such an arrangement can only take place upon conditions which are not humiliating. It is enough to say that, without conceding to England anything which she cannot claim without injustice, it is requisite that the Greek Government should not refuse any satisfaction which equity may require or justify; and that it should give a certain latitude in considering what it ought to do in this respect.”

On the 5th of March, Baron Gros arrived at Athens; on the 1st of March, Mr. Wyse, having received an intimation from the noble Lord of the intended intervention of the French Government, orders a suspension of coercive measures; but in the very first interview with Baron Gros, Mr. Wyse tells him that which certainly was not very satisfactory—that he was most distinctly to understand that Mr. Wyse had no instructions to go into any discussion as to the nature or amount of the claims, or any authority to make any concession or modification. That was not very satisfactory for a person who had been selected for the office of mediator, or to interpose good offices, or whatever terms the noble Lord might prefer to apply to it. But M. Gros proposed a convention by which the whole matter was to be arranged on certain terms. To this Mr. Wyse op-

posed his counter-project of convention, in which—and he begged the particular attention of the House to this—there was a clause proposed to be introduced, that the English Government should be protected from any claims for indemnities for losses, arising, it was said originally from the detention, and afterwards the word seizure was put in, and the clause stood, “arising from the seizure or detention of those vessels;” and Mr. Wyse said he proposed the introduction of that clause into the convention, because he thought it very likely that parties might be encouraged to bring such forward, in order to counterbalance the amount which the Greek Government had to pay to England; but, he said, he had no very sanguine expectation; nor Baron Gros, that that clause would be agreed to by the Greek Government. Baron Gros refused to accede to the counter convention proposed with that clause by Mr. Wyse. But in the meantime negotiations were going on between the noble Lord the Foreign Secretary and M. Drouyn de Lhuys, the French Ambassador in London, and on the 9th April they had proceeded so far towards an amicable adjustment of their differences, that M. Drouyn de Lhuys thought he was justified in writing to his Government to say that the matter would be brought to an amicable termination, and that coercive measures were not to be resumed unless Baron Gros should abandon the path of mediation. On the 12th of April a despatch was sent from the French Government to Baron Gros, announcing the negotiations, and the terms which were likely to be arranged between the noble Lord and M. Drouyn de Lhuys. The noble Lord sent no instructions whatever to Mr. Wyse before the 19th of April. The noble Lord said there were no packet communications that he was aware of, between the 9th and the 17th, which would enable him to communicate with our Minister in Greece; but the noble Lord might, upon such an urgent occasion, knowing what would have been the serious consequences of delay, have adopted the course of sending a special messenger, which he did upon a subsequent occasion, when the convention had been agreed upon between him and M. Drouyn de Lhuys, and when the draughts had been conveyed to Athens, in the way he would afterwards mention. But the consequence of the noble Lord not making any communication to Mr. Wyse, between April 9 and 17, was, that Mr. Wyse, when

Baron Gros saw him on the 27th of April, and informed him that he had received a communication from his Government, and that coercive measures were not to be resorted to, but that if any difference existed between them, it was to be referred home for the decision of the Government—Mr. Wyse, not having obtained any instructions from his Government at that time, could not of course adopt what had been communicated to him by Baron Gros. He insisted upon compliance with his demands, and, amongst others, that a sum of 180,000 drachmas should be deposited in satisfaction of M. Pacifico's Portuguese claims, and upon the failure to comply with those terms coercive measures were resumed (he believed) on the 29th April, and the King of Greece was compelled to pay 1,000,000 drachmas. [An Hon. MEMBER: No, no!] He repeated 1,000,000; look at the Marquess of Normanby's despatch. [An Hon. MEMBER: It is a misprint.] Well, a large number; it was not important what the exact amount might be; but he yielded to irresistible force; and through that alone acceded to the terms. He found it was 330,000 drachmas, but it made no material difference. Well, let them see what was the understanding between the noble Lord and M. Drouyn de Lhuys, in respect to this convention which was subsequently agreed upon between them in London. The noble Lord said it must be understood that if, at the time when these draughts should arrive at Athens, any different arrangement should have been agreed to between the British, French, and Greek plenipotentiaries, that different arrangement must stand good, and this proposed plan of convention, being no longer requisite, would fall to the ground. He apprehended, if there were any meaning in language, that this declaration of the noble Lord must be interpreted in this way:—"If no such arrangements between the British, French, and Greek plenipotentiaries takes place as we have contemplated, then this convention into which we have entered shall be the final arrangement between us for the adjustment of the Greek claims." Now, no such arrangement did take place; the settlement of the question was brought about by the application of a strong pressure—by means of a hostile force—on the Greek Government; and he ventured to think that, under the circumstances of the case, the convention concluded between the noble Lord and M. Drouyn de Lhuys

in London, had become that which was to adjust the differences existing between the parties. But it was curious to see the summary mode in which the noble Lord dealt with the question. He said—

"The case thus foreseen by Her Majesty's Government had in the meantime happened at Athens, though not precisely in the manner indicated by the words employed beforehand to describe it. Another settlement of the matters in dispute between Her Majesty's Government and the Greek Government had been made, but it had not been made by all three of the Ministers engaged in the negotiation. It had been made by direct communication between the Greek and the British Ministers, and was the result of a renewal of the action of the British squadron."

So that the noble Lord himself admitted that the circumstances under which the convention at Athens was to subsist in force had not occurred, and therefore the noble Lord, admitting that, must admit also that it was the convention entered into between himself and M. Drouyn de Lhuys, which was to conclude the difference with the Greek Government. But the House must observe that in this convention there was no stipulation for protection against claims for indemnities for the losses sustained by the seizure of Greek vessels; and this was not wonderful when they came to consider the position in which the Government was placed towards France as respected this question. M. Drouyn de Lhuys, after what had occurred with the noble Lord, feeling convinced that there had been a violation of the engagements made with him, communicated that impression to his own Government, who recalled their Ambassador from this capital on the 15th of May. So stood the question between France and the noble Lord; the noble Lord being accused in the face of the French nation of a breach of the engagement into which he had entered, and the French Minister having been withdrawn upon that account, and so the matter remained when this question was first brought under the attention of the House of Commons. The noble Lord was accused by M. Drouyn de Lhuys of not having adhered to the terms of that arrangement, which declared that the convention of London was to prevail, supposing that no other arrangement had been definitely agreed upon between the three Powers before its arrival at Athens; the noble Lord was insulted by the charges being made against him, and by the withdrawal of the French Minister expressly on that ground; and yet, at the present

moment, the noble Lord was compelled to submit to an adjustment of the difference upon the footing of that convention which was entered into between him and M. Drouyn de Lhuys—that convention not containing one syllable with respect to the clause of indemnity which was insisted upon by Mr. Wyse for the reasons he had stated. He had before him the speech of General Lahitte, the French Minister for Foreign Affairs, printed in the *Globe* of Saturday last, which stated as follows :—

“ I have the honour of announcing to the Assembly that the Cabinet of Her Britannic Majesty consents, for the adjustment of the affairs of Greece, to return to the London treaty, by substituting for the clauses of the arrangement concluded at Athens on the 27th of April, which have not yet been executed, the corresponding stipulations of the convention agreed to in London on the 19th of April. Consequently, the President of the Republic gave the orders to declare to the Ambassador of Her Britannic Majesty that the French Government accepted that solution, so far as it was concerned. Gentlemen, what the French Cabinet has accepted on the 20th of June, is in substance what it had proposed to the English Cabinet on the 14th of May, previous to the recall of its Ambassador. The Government of the Republic hopes that it will be evident, for all that, from the first to the last act of that long negotiation, its conduct was only inspired by the sentiment of national dignity, by a spirit of conciliation, and a desire of maintaining general peace [loud applause on the right].”

So that the noble Lord, having stood out to the last, until he had driven us to the brink of a war, having submitted to the humiliation of being charged with a breach of his engagements, and having the Minister of France withdrawn, was compelled at last to submit to the terms of the convention he had before repudiated, and which now placed him in the same position in which he might have placed himself on the 14th of May, without the humbling scenes through which he had to pass since that time. Now the opinion which the French Government entertained on this subject he believed was shared by all the nations of Europe, and he thought the House would be disposed to adopt that opinion, which was thus expressed by General Lahitte, in one of the letters to be found in the papers laid before the French Chambers :—

“ Be assured that if we have engaged in this difficult affair, it certainly was not because our dignity was flattered by having to discuss the bill of M. Pacifico, or that we found any immense advantage in making Greece pay rather less. No, we were prompted by other considerations. Sharing upon these matters the opinion of Russia, of Austria, of all the other Powers”—

Why, the French Minister might have said the opinion of all the world in this respect—

“ We thought, notwithstanding, that the nature of our relations with the English Government ought to determine us to assume another attitude, to hold another language; we stretch out a hand to them on purpose to bring them together; we do it in the interest of peace, in their own interest, and in that of our friendly relations with them.”

He asked the House whether the transactions he had detailed were, as his hon. and learned Friend asked the House to declare, calculated to insure the peace of this country with other nations? He thought it would be discovered from those details that the noble Lord, so far from adopting a course which was calculated to maintain the honour and dignity of this country, had compromised and degraded it—and so far from pursuing measures calculated to preserve peace, had done everything he possibly could to embroil us with other nations. His hon. and learned Friend, adverting to some of the objections made to the terms in which the instructions of the noble Lord were conveyed to his Minister, and to the tone of that Minister to the King of Greece, observed that the Earl of Aberdeen had used just as strong language in despatches of his on the subject of the Greek loan; but his hon. and learned Friend overlooked the difference between the two cases. The Greek loan was secured by treaty, and by a guaranteed treaty; a violation of that treaty would have been a *casus belli*; and the despatches written by the Earl of Aberdeen were shown to the Russian Minister, who wrote precisely in the same sense, and to the French Minister, who did not object to them. They were laid before Parliament, and, though strong remonstrances, they were remonstrances founded on a violation of the treaty, and made by one of the creating and guaranteeing Powers, and to compare them to the tone assumed by the noble Lord in enforcing M. Pacifico's or Mr. Finlay's claims, or the claims of the persons in the six Ionian boats, was to misunderstand the real position in which the parties stood with respect to those questions, it being hardly possible to institute any comparison. He knew he had already trespassed too long on the attention of the House; but it was quite impossible, with the numerous details through which he had to go, to have compressed what he had to say, consistently with giving a clear explanation of his views, into a shorter compass. Inasmuch as his hon. and learned

Friend had hardly touched on any other question of policy, and as many more able debaters would interpose in the course of this discussion, he should feel he was not justified in touching, however lightly, on some of the other questions connected with the foreign policy of the noble Lord; but he would briefly allude to the remarks made by the noble Lord at the head of the Government on the question that had been put to him connected with this subject. The noble Lord stated, in very emphatic language, which was most vociferously cheered by his supporters, that the noble Lord at the head of the foreign affairs of this country, so long as he retained that office, would not be the Minister of Russia, of Austria, of France, or of any other country, but that he would remain the Minister of England. Now, with very great deference to the noble Lord, he hardly understood, though, of course, every one who cheered him did, the exact meaning of the noble Lord in those striking expressions. Of course, the noble Lord at the head of the foreign affairs of this country would always act as the Minister of England—that could not be what the noble Lord at the head of the Government intended to say, because that would be only a very harmless and unnecessary truism; but he presumed the noble Lord meant to say, that upon every occasion the noble Lord at the head of the foreign affairs of this country would act with a regard to English interests, and not with a regard to the interests of any other country. Now, if that was the noble Lord's meaning, he thought anything more dangerous than such a doctrine, expressed in the manner in which it was from such a high authority, and adopted, as it was by some considerable portion of the House, could hardly be imagined. In political ethics a State was considered as invested, in its intercourse with other nations, with all the moral responsibilities of an individual; and although it was quite competent for an individual to regard his own interests, yet in his dealings with others it was his bounden duty to regard their interests as well as his own. The noble Lord, as a Minister of England, would be acting a most mischievous part, if, in his transactions with foreign States, he were to consider only the interests of his own country; and if he were not to give attention to their claims and rights as well as to our own, as an individual would the interests of others with whom he was nego-

tiating. It remained now to consider the effects of the present Motion. They were not here called upon to pronounce a direct and decided opinion upon the sentence or condemnation of the noble Lord's policy towards Greece, which had been pronounced by the House of Lords. A general Motion, approving the whole policy of the noble Lord was presented to them, and in their approbation of the entire policy must necessarily be included that portion of the policy which affected Greece. But the ingenuity with which this Motion had been prepared for the purpose of evading the question, if it should happen to be successful in securing the verdict of that House in its favour, would deprive it of half its effect. Foreign nations were aware that an opinion had been pronounced by an august assembly forming a portion of the Legislature of this country, condemnatory of the noble Viscount's policy; their voice had gone forth to all lands. The noble Viscount's policy had been stigmatised by that sentence; and do what he could, procure what majority he might in favour of this resolution, it was quite impossible to undo the mischief which had arisen from the opinion so expressed against that policy, or reinstate the noble Viscount in the estimation and confidence of foreign countries. What had brought us into a situation so fatal? He asserted, upon the facts he had submitted to the House, that it was the principles upon which the noble Viscount thought proper to act, of constantly intervening, not for the purpose of allaying disturbances or securing freedom, but for the purpose either of insisting peremptorily upon demands which ought never to have been made, or of encouraging revolutions, which were called an approach to self-government. If he had not intruded upon the House so long, he could show many instances in which the noble Viscount had thus interfered, and then left the parties he pretended to favour to their fate. Upon the grounds he had submitted to the House, he was prepared to give a decided negative to the resolution proposed by the hon. and learned Gentleman the Member for Sheffield.

Mr. W. P. WOOD said, that the opening of the speech of the hon. and learned Member for Abingdon but too well augured the course which he was about to take. He (Mr. Wood) came to the House, believing they were about to discuss a subject of great importance to the interests, the dignity, and the honour of the country

—and he had no conception that the Motion of the hon. and learned Member for Sheffield was to be met by arguments such as he had just listened to—arguments as to the exaggerated details of the claims of *M. Pacifico*, vulgar speculations as to the losses of Mr. Finlay, and other arguments of the like description, every one of which he had heard before, or read before—but which had filled him with such ineffable disgust that he was grieved his hon. and learned Friend, whom he so much respected, should have sanctioned his approbation of them by adopting every one of them. It was, he repeated, a bad augury of the hon. and learned Gentleman's address that he had commenced it by a miserable insinuation against the hon. and learned Member for Sheffield, to the effect that he had merited a substantial reward for the part he had taken. He took leave to tell the hon. and learned Gentleman who had made the insinuation, that the hon. and learned Member for Sheffield had long ago earned his reward—a more substantial reward than any which the Ministers of the Crown or the country could bestow—the reward of the people of England, for having earned the reputation of an honest, an upright, and patriotic representative. There was no necessity, however, for him to speak in defence of the hon. and learned Member, who was very well qualified to defend himself. He only alluded to the attack which had been made upon him, as an augury of what might be expected to follow. The question which the House was invited on the present occasion to discuss, was one of grave and serious import. The resolution of another place had been determined not alone upon the merits of the dry question of the demands upon Greece, for the resolution had a general scope, and was founded upon this avowed principle, that it was desirable to announce to Europe that the Foreign Office was not England. That was the principle of the resolution; and he contended that it had been well and properly met by the counter resolution of the hon. and learned Member for Sheffield, who told them that the dignity and the honour of England had been upheld, and that peace had been preserved by the policy of Her Majesty's Government. He repeated that the present was a serious question to discuss. That other Assembly, august as it was, was capable, no doubt, from its own chivalrous feeling, of forming an estimate of what concerned honour. It thought that the honour of England was not in safe

keeping—that the Commons of England had been regardless of it—and that it was not safe save in the custody of the House of Lords. Everything that had been done with reference to this subject had been done in the face of Parliament and of the country—every step that was taken was well known in that House; and whatever the hon. and learned Member for Sheffield might say with respect to the general negligence of England with respect to foreign affairs, it could not be held that in this case the charge could be borne out. The House of Lords had decided that it was the House of Commons which was to blame for not having taken any step to arrest this course of policy, and which had never been called upon to do so by any expression of opinion from hon. Members on the Opposition benches. It was true they had had occasionally a sprightly sally from the hon. Member for Buckinghamshire, and a few querulous complaints from other hon. Members less distinguished; but no hon. Member had brought forward the question whether the honour of England had been tarnished or the peace of Europe imperilled by the foreign policy of the present Administration. If the sentence of the other place were right, the custody of the honour of England must for the future be confided to that House. The House of Commons had neglected it, and they announced to the whole of Europe that, as often as foreign countries had cause of complaint they would have to carry their appeals to the House of Lords, because the honour of England could not be confided to the keeping of the Commons. The result, however, of the policy of the Government was precisely the contrary, because the peace of Europe had been maintained, and, in his opinion, the honour and dignity of the country had been singularly upheld. If he were called upon to take issue upon the entire course of the policy of the Government with reference to foreign affairs, he could not ask a better issue; and so far from thinking that the Government had impaired the honour and dignity of the Crown, he was of opinion that they would have detracted from the one and lessened the other if they had hesitated to vindicate the rights of British subjects, which had been so long and so grievously violated in Greece. He believed, on the contrary, that if any shadow of blame were to attach to the Foreign Office, it was that it had not done in 1848 what it had done in 1850. Now let them consider what

had caused the events which had taken place. Here they had a subject of Britain deprived violently of his property without any just cause. He remained for six years without having recourse to his own embassy, endeavouring to obtain redress, but utterly failing to gain the slightest reparation. Then, and then only, he obtained the aid of his own Government, receiving it, in the first instance, from the Earl of Aberdeen in 1842; and, because he persevered in his claim, they were to be told that his was "merely the case of a cannie Scotchman, who had made a good bargain, and wished to hold it." Then there was the case of another subject outraged by the plunder of his house in open daylight, and on a festival—his wife and daughter beaten, and his property plundered. And what was the answer to this outrage? Why, that the man was a Jew, and that he had exaggerated his claims. He was ashamed to hear that it was alleged against this man, who had no opportunity of defending himself, that he bore the same name with some one who would have been convicted of the crime of forgery if he had lived in this country, if he had not paid down a sum of money to stay the prosecution. Under such circumstances as these, was the House to reckon the panes of glass which were broken, or the candlesticks which were taken away from the house of M. Pacifico, when they had the fact before them that the house was plundered in the open daylight, and that redress was refused? And were they to say that they upheld the honour and the dignity of England, by permitting British subjects to be treated in this lawless and barbarous manner? But there was another case—that of Stello Sumachi—which he was surprised no one had alluded to. This man, who was also a British subject, had been brutally tortured, indeed, subjected to a description of torture too horrible and degrading to detail, and so dreadful, that the poor man himself had paraphrased it by saying, "I was tortured in the Turkish fashion." With respect to this man, it was said that he was accused of burglary; but not a particle of evidence was adduced against him, and, after being kept in prison three months, he was released. He could prove that he had been brutally tortured. The law of Greece did not allow of torture, yet justice was entirely and completely refused to the unfortunate man who had been subjected to such revolting treatment. Was it, then,

to be said that they were to allow a Scotchman to be robbed because he was "a cannie Scot?"—that they were to allow another subject to be outraged and plundered because he was a Jew, and had exaggerated his claims?—and that a third man was to be disgustingly tortured because he was accused of the crime of burglary, but without the production of a particle of evidence? They next came to another case, which amounted to a positive and direct insult, to that which was considered a most delicate point of national honour—an insult to an officer in the British Navy. The facts of this case were very few and very clear. An officer, the son of the British Vice-consul of the place, landed from a ship of war at the usual place of debarkation. After he had landed he was stopped by a party of armed soldiers, upon the ridiculous pretence that the boat in which he had arrived had gone to a suspicious vessel, and that he himself had gone to the house of a notorious Greek rebel. Notwithstanding this gross treatment, amounting, as it did, almost to an insult to the British flag, were we to be told that we were not to notice it, because the Power which inflicted the injury was a smaller one than ours, and not able to compete with us upon equal terms? These were the four cases in which we were told that we ought to forgive and forget, and, unmindful of the Powers in the background, pass over the insults, in order that the honour and dignity of England might be maintained. It appeared to him that those who had arrived at the resolution in the other House, must have had a very singular idea of what honour and dignity really were, or they must have been grossly misled. He believed that they had been egregiously misled, and that others were misled likewise. The fourth estate—the *Times* newspaper—had been under the same misapprehension for a long time. That valuable publication had said, over and over, among other mis-statements, that M. Pacifico was a hybrid Jew. This was the course taken by that journal in a long series of laboured articles against the noble Viscount at the head of the Foreign Office; and the minds of those who considered the question as it was thus presented to them, and who had not the patience to read the blue books, were prejudiced by the misrepresentations which were made on the subject. These prejudices were taken up by the advocates of the resolution proposed in the other House; and the result was, a

total ignorance of the real circumstances of the case, and a disregard of the facts which the question really and truly turned upon, as detailed in the blue books and papers which had been presented to Parliament. If they took the case of Mr. Finlay, they would find that the hon. and learned Gentleman who had last spoken had very much mis-stated it. Mr. Finlay had purchased a piece of land for 300 or 400 drachmas, which was afterwards divided into two plots. One of them was seized upon by the Government, in order that a royal printing office might be established on it; and the other plot, lying convenient for the purpose, had been taken to form a garden for King Otho's palace. Both plots were thus taken away; and it was alleged by the Greek Government that it was done by virtue of a decree, passed in the year 1834 (but really in 1837), and that Mr. Finlay had given his consent to it. It was stated by M. Coletti that a commission was issued in the year 1837, to value the land thus taken away, and that the claims of other persons were satisfied, though no arrangement had been made with M. Pacifico. The statement given by Mr. Finlay was, that, in the year 1837, an arrangement was made by the commune of Athens, with reference to taking land for public purposes, and that it was agreed that all land to be so taken was to be staked out within six months. The land of Mr. Finlay was not staked out for eighteen months or two years, and consequently he supposed that it would not be required. When it was taken, however, he went and stated the circumstances to M. Zagrophus, who told him that, with respect to the land taken for the royal printing press, he ought to have compensation for it as it was required for public purposes. With regard to the other plot of land, he was told he might go and get it. Mr. Finlay replied that he could not get it as it had been annexed to the royal garden. He distinctly stated that Mr. Finlay invited the Greek Government to take his claim into consideration, on the ground that the land was not destined for any public purpose. Mr. Finlay said, "It was pleasant to be told to take any remedy against the Greek Government, after having been told in another place that the law did not permit it." He (Mr. P. Wood) agreed with the hon. and learned Member for Abingdon with regard to the law of nations. One of the rules laid down was, that you

had a right to seek redress for your own subjects, either when you cannot have a remedy according to the law of the country, or when you can but are denied that remedy. Now, it appeared that Mr. Finlay had no remedy according to the law of the country. A commission had been appointed under a certain ordinance, and one hundred persons, whose cases had been inquired into, received compensation; but it should be recollected that those persons were Greek subjects. Mr. Finlay, however, should have had his case tried by a legal tribunal. It might be all very well for those Greek subjects to say they were contented. "They might have been contented," said Mr. Finlay, "but they were not paid." It was not until Mr. Finlay had made every remonstrance in his power that he took steps for calling the attention of the British Government to his claim. Sir E. Lyons, in one of his despatches, called attention to this fact. He said Mr. Finlay was deprived of a most valuable piece of ground in the neighbourhood of the metropolis, and, though the mild and gentlemanly measures he had taken to acquire compensation had been disregarded, he was still disposed to content himself with the highest price paid for the same quantity of land situated at the same distance from the palace. The Earl of Aberdeen did not say that the claim was opposed to the law of nations; on the contrary, he instructed Sir E. Lyons to take steps to see Mr. Finlay righted. He (Mr. P. Wood) had great satisfaction in finding that the Earl of Aberdeen, when he had no other grievances disturbing his imagination, had thus promptly recognised the justice of Mr. Finlay's claim. And yet from 1842 to 1848 there had been such miserable haggling and bargaining as mortal man never saw, without the appearance of any redress; and when he was told that this was the claim of a "cannie Scot," what ought they to think of the Sovereign who could every morning look out of the windows of his palace upon the piece of land for which he knew he had never paid, and which belonged to the subject of another State who had placed himself under his protection? Her Majesty's Government had been, if anything, too lenient in submitting for so long a time to the frauds and devices of this miserable and unhappy Government. The sum allotted to Mr. Finlay was about 1,066*l*. Mr. Wyse said—

"I had ascertained that this is the sum which

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the arbiters appointed by the Greek Government and Mr. Finlay proposed to fix, had the Greek Government not prevented the arbitration from being brought to a conclusion within the legal period. This sum is rather larger than that which Mr. Finlay would have received, if the value had been calculated on the basis of the decision of the Greek tribunals in the similar case of Raptopoulos, as proposed by Mr. Finlay three years ago."

Here was a case in which there was a clear denial of justice. Was Mr. Finlay to suffer all this, and no indignation to be expressed against the advisers of that unfortunate Sovereign, who permitted, under his very eyes, this detestable piece of iniquity? This unhappy Government had proposed that the matter should be left to the decision of two arbiters, appointed by the President of the Greek tribunals. What a nice chance of an honest decision such a tribunal would afford! The Greek judges were removable at the pleasure of the Crown; and it was proposed that a judge, removable at pleasure, should appoint the umpire. Mr. Finlay objected to the proposal as ridiculous, and the noble Viscount the Secretary for Foreign Affairs coincided in that opinion. An imputation had been thrown out that Her Majesty's Government had withheld despatches, furnished false extracts, and what not; and it was also imputed to the Government that in February last they laid before the House papers which did not inform it that this question was about to be determined. Now the facts were, that, after a delay of fourteen years, a delusive system of arbitration was wrung from the reluctant Greek Government. Finding, however, that the arbitrators had proved too honest for them, they delayed carrying out the decision until three months had elapsed; well, that period had expired about three months before the Piræus was blockaded. With respect to M. Pacifico's case, it was said that he had his remedy at law, and that he should have used it instead of running to the Foreign Office. Why, M. Pacifico did try the authorities. He went before the police; he pointed out the individuals who attacked his house, and named the general, and the sons of the general, in whose house the stolen property was to be found. The police said, "We have not got sufficient witnesses;" and having arrested some three or four persons, who, it was well known, had nothing whatever to do with the case, after some examination, dismissed them, and said, "We have nothing more to do with the inquiry." The case of M. Pacifico was that of a flagrant

and patent outrage upon person and property. It was said that he too had his remedy in the ordinary courts of the country. But he had tried them; he went before the police; he pointed out some of the authors of the outrage, whom he had himself identified in the mob, and the houses where the stolen property might be found. But the police did not pursue their inquiries with regard to one of these individuals. They apprehended four or five persons who had nothing to do with the attack upon M. Pacifico's house, and that was all the redress he could get from the Greek police. He knew nothing personally of M. Pacifico; but he must be a man of considerable talent if he had drawn up his own papers, in which he had given an account of what had actually occurred. He answered paragraph by paragraph the statements of the Greek Minister. That Minister stated that he ought to have, in the first place, sought a remedy from the local authorities. He said distinctly—

"It has been proved that I did not immediately have recourse to the British legation. I first addressed myself to the laws of the country."

He then added that he assisted in the inquiry which was instituted with his own personal knowledge as much as he could, but observed—

"The information which I could furnish was necessarily very incomplete. Attacked by a furious populace—forced to conceal myself—obliged to go and implore an asylum in the palace of the British Minister—had I the power, or was it possible for me to distinguish the authors of the acts of violence and of the robberies which took place at my house? All that I could do I did; I mentioned the sons of General Zavellas in my representation to the King's advocate, and in my petition of June I pointed out the houses in which was some of the property stolen from my house; but it is precisely these sons of General Zavellas whom they have not proceeded against; and it is those very houses in which I proved the existence of the secreted goods that they refused to search judicially immediately after the crime had been perpetrated."

Then he added, that from his position as a Jew he could not act as a Greek citizen and introduce himself into those houses. Now, he (Mr. P. Wood) would ask the House this question—If Lord George Gordon had been one of the sons of the then Minister of the day, and if, in the outrage which he led, the house of a foreigner had been robbed and plundered, would the circumstance of that foreigner having been a Roman Catholic, even though he were able to say that he saw the son of the Minister leading the rioters, have been sufficient to justify the Government in saying

they were unable to do him the justice he demanded?—that they had examined one or two witnesses, but, having done that, they were unable to do more in the case? If such a thing as this could possibly have occurred, would any Member of the House deny that it would have furnished a sufficient case for a foreign nation to take up against them? The whole case of M. Pacifico had been treated very lightly in another place; but, in his estimation, everything connected with it showed how thankful this country ought to be that they had at the head of foreign affairs a Minister like the noble Viscount, who took care that such outrages should not pass unchecked. Even if M. Pacifico had made the most extravagant demand ever made, that would not alter the nature of the attack made on his house. But then, said the hon. and learned Gentleman the Member for Abingdon, M. Pacifico ought to have redeemed his plate with the money which he had in his possession. Now, the fact was, that the money which he had in his possession was trust-money. He borrowed 80%, and he had 230% belonging to the Synagogue; but surely they did not suggest that he ought to have redeemed his plate with that? Something had been said, he thought very ridiculously, about the wife and family of this gentleman not being witnesses. It was proved beyond a doubt, however, that they saw the furniture, and everything that he complained of losing, though they could not speak to the value. And, on the last point, he might appeal to an hon. Gentleman on the other side, who had written much upon such matters, whether it was not the custom of the Jews in the East to have richly furnished houses, which they secluded from the public gaze? Then, as to the Portuguese claims, they were told that they had been trumped up for the occasion. The fact was undoubted, however, that in 1845 M. Pacifico had urged claims on Portugal; Sir E. Lyons was able to speak to that fact, and it therefore could not have been got up merely to help out a subsequent case. Connected with the Portuguese claims there was a very strange circumstance that demanded the attention of the House. If they looked through the papers they would find the extraordinary course of negotiation that took place; and that, however right it might be to have the good offices of France on the occasion, certainly M. Pacifico was placed in extraordinary hands when he had a negotiator like Baron Gros to deal with. That Baron

Gros, assuming the office of mediator, should have at once decided on refusing these claims on the evidence of the debtor that he did not owe the money, was one of the most marvellous circumstances in the case. It was, however, solely upon the statement of the Government of Portugal, made in two despatches, that they never owed him a farthing, and had always refused to pay, that Baron Gros came to his decision respecting these claims, and refused them. Then, with respect to Stelio Sumachi and his fellow-prisoners, they had been charged with committing a burglary, and tortured, by placing a heavy stone on their chest, and causing two or three persons to sit on it. Another method of torture, too horrible to mention, was also used. This poor man wrote a letter to the English Ambassador, complaining of the manner in which he had been treated—although it was afterwards made matter of accusation against him, that he never made any complaint of the treatment he had received. What did they do then? They instituted a mock inquiry before the Nomarch Ducas. Dr. Chrysantopulos was called in to give his opinion respecting the injuries done. This physician said he “found no organic change affected, and concluded there was no torture. On the chest there was no appearance of external injury. However, the prisoners, no doubt, felt some little pain in their chests; but they had been treated with”—the original words were “*la grande sensibilité*.” It should have been translated, “treated with great tenderness.” “There was no doubt,” continued the physician, “that the prisoners felt some little pain on their chest being pressed, but it was difficult to decide the principal cause of pain. In other words, did the pain proceed from exterior injury—that is to say, from the application of the stone, &c., or from some other pathological cause, as, for example, rheumatism; or was it, lastly, the effect of their low trade as tinkers?” Was this case to be treated as a *nisi prius* case, as it had hitherto been treated? Here was a serious accusation made by two men, who pointed out to the police the parties who maltreated them. The examination that took place was secret. The accused and accusers were never confronted, and the only evidence adduced of which they had any account was that the injured persons had tender chests, which might have arisen from their previous trade as tinkers. But fortunately the case did not rest there.

Ducas, the unfortunate Nomarch, was obliged to transmit this account, which he said would set all right. But that same Ducas told Mr. Wood, a gentleman whom he (Mr. P. Wood) did not know, but who was a vice-consul, that he said to the doctor that he was astonished at the certificate which he gave, and that the doctor replied, "What could I do? the police made me do it." But the case did not rest on the evidence of Mr. Wood alone; they had the evidence of Sir E. Lyons, who stated that Ducas had told him the same thing. Ducas at that time had resigned his office, and that appeared to account for his statement. It appeared that fresh demands were made for fresh inquiries; and the answer to those demands was, that it was not the custom to proceed twice against a person on a criminal charge. That answer was quite right if there had been a real examination and a fair trial; but to call all this mockery an inquiry was ridiculous. But, besides the testimony to which he had referred, they had the evidence of two men, who stated distinctly that they heard these unfortunate individuals say to the police, "How could you treat us so cruelly and barbarously?" and the police did not deny it, but said "We were ordered to do it." Now, he (Mr. P. Wood) would ask whether, upon the facts as he had briefly stated them, any human being could venture to say that it was not the bounden duty of our Foreign Minister to take care that these outrages should not be repeated? Redress, if any there was which could have been afforded to them, was refused, and that was enough. Was there a redress to be obtained from the tribunals of the country? If so, it was clearly and distinctly refused. Could any other course, then, have been taken but that which had been taken by the Government? Then, with reference to the Ionian States. So continual had been the acts of annoyance on the part of Greek subjects, that the Ionians stated that, unless Great Britain extended to them her protection, it would be impossible for them to carry on their trade. In such a case, was it not the right—the plain and bounden duty—of our Government to interfere? It was clearly proved that redress was refused; and, it was, besides, very remarkable that continued insults were offered by this miserable little Government in Greece to subjects of the Ionian Islands, because they were under the protection of this country. Another man was flogged

without any cause whatever. Again, a man was arrested for putting up a flag, and was dragged through the streets as a prisoner, when, after all, no charge was proved against him. A memorial was presented, signed by forty Ionian subjects residing at Patras, in which they called upon the British Consul to protect them, saying that if they were not protected from these torturings and floggings, it would be impossible for the Ionians to remain at Patras. Under such circumstances it not only was right, but it was the plain and bounden duty of the British Government to interfere. With regard to the boats, that he confessed appeared to him to be the only doubtful part of the case. The case was this: A set of brigands—if indeed they were brigands—took possession of the Greek Custom-house, and decoyed a number of Ionian boats. It was a matter that ought to have been redressed, and that redress no doubt might have been rendered by the ordinary tribunals. But the House would recollect that this affair was coupled with all those other manifest cases of injustice. It was fairly to be inferred from that that it was a case in which it was utterly hopeless to obtain redress in the ordinary course. Nothing was done to punish those robbers. Either the Greek Government was too weak to correct that outrage, or, if strong enough, was unwilling to do it. But the last case he would refer to was that most gross outrage upon the boat's crew of Her Majesty's ship *Fantome*, at Patras. The plain statement was, that two persons were landed from the *Fantome*, one being the Consul's son, a youth of thirteen years of age, and the other the coxswain of the boat. These facts were explained by Mr. Wood and Captain Le Hardy to M. Rondopoulos, the Nomarch of Achaia; but what was the colouring which he put upon the transaction? He wrote thus to the Minister of the Interior:—

"This day at four o'clock in the afternoon arrived in the harbour of Patras, coming from Malta, the English steamer the *Spitfire*, the same whose boats received and took on board Merenditi and his accomplices. Her boat came on shore, her patent of health was sent in, and her commander then went to visit the British Consul. After having made some manœuvres in the harbour, which made us think that she was on the point of departure, the *Spitfire*, an hour later, cast anchor opposite the quarter 'la Tonnellerie' (*Baptyssian*), where the families of the rebels Boulgaraki and E. R. Pettas reside. Nobody at first remarked how, after some manœuvres, the *Spitfire* had chosen this place for her anchorage,

but, after a little while, this is what was observed:—At seven o'clock in the evening a boat's crew of the *Spitfire* landed in the abovementioned quarter, at some distance from the place where ships' boats ordinarily land, and then returned again to the steamer. I thought it advisable to address to the British Consul a letter, to request him to come to an understanding with the commander of the *Spitfire*, in order to prevent any misunderstanding or quarrel between the boats' crews and the guard on duty. I had hardly despatched this letter to the consul when a new incident occurred. The boat of the steamer, manned by ten sailors, came again on shore in the same quarter, exactly opposite the houses inhabited by the families of the abovementioned rebels, and put on shore two unknown persons, who, with haste, entered Boulgaraki's house."

A few days after there appeared a statement in the *Moniteur Grec* in which these particulars were persisted in. The Consul required the Nomarch to institute an inquiry into the facts; but he refused to do it. About a week afterwards, and when they knew that Captain Le Hardy, who was the only officer who knew the whole particulars of the matter, had left with his ship, the Greek authorities proposed to institute an inquiry. But what was the answer of the British Government? They said, "We have examined into the matter, and are perfectly satisfied, and shall take no further steps except that of making a demand on you for redress." He would ask the House whether British honour was in any degree compromised by demanding redress for the insult he had described? The conclusion of the case was this:—On the 6th of December, 1848, a letter was addressed by Sir E. Lyons to M. Colocotroni, stating the whole of these aggravated cases—first, Mr. Finlay's case, with all the infamous delay attending it; next, M. Pacifico's case, and all its atrocity; then the case of torture; next, the case of the boat of the *Fantome*; and, after this enumeration, the letter concluded by demanding redress, and with this kind caution, "Don't presume upon our forbearance; don't infer from that forbearance that the British Government is not determined to compel the Greek Government to accede to these demands." What was the result? Why, that letter was not answered. In December, 1849, one year after that letter had remained unanswered, Mr. Wyse wrote to M. Londres, and after recapitulating the claims in the letter of the 6th of December, 1848, he said—

"I know you are now in office, and I wish to draw your attention to the unsatisfied demands made by my Government on behalf of aggrieved British and Ionian subjects. But you are aware

of all the facts, because you were in the Cabinet when all the transactions took place."

And then Mr. Wyse repeated verbatim the letter of the 6th of December, 1848. Every thing had been done by Her Majesty's Government to induce the Greek Government to meet the demands that had been made upon them; but all was in vain. What more could have been done? He had heard only one answer to that question. It was said that England ought to have gone and told Russia and France what an unhappy position she was in. When the address was made which procured the adoption of the resolution in the other House, he was extremely struck with what seemed to him a total omission, even if the case had been fairly and manfully stated, instead of being put forth in the miserable and pettifogging manner in which it was. It was said and admitted by Lord Stanley, that it had been the case for some years past that the representatives of the three protecting Powers had been bent, not so much on securing the independence, and establishing the constitutional and newly-recognised Government of Greece, as on interfering with and caballing between themselves and the Greek Government for the maintenance of their own particular influence; one seeking to establish English influence, another French influence, and the third Russian influence. Now, that strong admission was made. Assuming it to be the fact (although, as far as regarded England, he was not prepared to admit it), what did the noble Lord tell them to do? He actually referred the British Minister to those two rival Governments—Russia and France—as mediators between England and Greece. The noble Lord at the head of Foreign Affairs was advised to say, "We cannot get redress from the Greek Government by our own diplomacy, and therefore we are to obtain it through the intervention of Russia and France." That would be one most remarkable mode of maintaining the dignity of England! He (Mr. P. Wood) wished to avoid all unpleasant observations with respect to other Powers. It was not he who accused them of caballing together, and endeavouring to establish an exclusive influence in Greece. That was the allegation of the opponents of Her Majesty's Government. But, having a public document before him—the letter of Count Nesselrode to Lord Palmerston—he confessed, for one, that, instead of being humiliated by that letter, taking the letter

with the answer to it, he thought they had reason to feel great satisfaction with the triumphant nature of that answer. What was the letter? It was certainly a most extraordinary production. It seemed to have been penned in a fit of mortification at the British Government having taken the only manly course that was open to it. In that letter Count Nesselrode spoke of the "unimportant claims" of England on the Greek Government, and observed, that some of those claims had already been adjusted. Now, the only one that had been in anyway settled was Mr. Finlay's claim, which had been referred to arbitration. It proceeded to denounce the conduct of England "towards a weak and defenceless State," and then said, "We are certainly aware that England has claims on Greece." So that there was no surprise on Russia by these demands being made. "We remember," continued the letter, "that, in 1847, during the late administration of M. Coletti, the English Cabinet took measures against the Greek Government." Why, neither Russia nor France had any right to interfere or intermeddle in the matter. It was entirely a case of private redress sought by England from the Greek Government. It had nothing whatever to do with the territory of Greece, or with the guarantee of the independence of Greece. But Count Nesselrode said he knew it all; he was perfectly aware of the claims of England in 1847, and that she was going to take steps to carry those claims into effect. How, then, could he have experienced any surprise? His only surprise ought to have been, that England had not enforced her claims long before. But let us see what further this high-minded Nobleman had said, and what were the huckstering reasons for objecting to the course which had been pursued by England:—

"Independently," said Count Nesselrode, "of the goodwill which the two countries bear towards Greece, Russia and France have a material interest in maintaining her tranquillity. They have lent her money, and they cannot see with indifference that nation led to incur, on account of being obliged to adopt defensive measures, losses and expenses, which must render her less able than ever to meet her pecuniary obligations."

He could hardly believe himself, that this seriously turned upon such a letter. The only thing stated there, and which made an impression on persons who not had an opportunity of seeing the forbearance the English Government had shown, was, that the dignity of England had brought the

affair into such a state. The hon. Member for West Surrey said, the other evening, and he (Mr. P. Wood) agreed with him, that when we quarrel with a weak State, it was like a quarrel between a giant and a dwarf, and that other States would say, "Well done, Dwarf;" but it could not be allowed, because another State was weak, that it should insult the English flag, and should do all that under the guardianship of Russia. The step which had been taken would be, he was confident, of immense value throughout the East. Those who knew anything of eastern nations knew that we suffered much from taking too humble a tone; those nations, so humbled and debased by their form of government, could not imagine that our moderation proceeded from anything but fear, and we knew from travellers that they were obliged to use words of violence to get the least attention from persons living under those Governments. Many travellers had told him, that since Lord Palmerston had been at the head of the Foreign Office, an Englishman could travel over every part of Syria and Asia with perfect freedom; and that that state of things was quite a contrast to what it was before. If the English Government, then, had submitted to these gross evasions of a justifiable claim, it would have been attributed to fear and dread. He trusted they had destroyed that delusion for ever; they had shown that England was firm, and though she forbore long, would insist on justice being done to all her subjects. The Government, too, had taken the mildest course—he supposed no one would have wished that we should have a little war with Greece—and the right course therefore was to put forth the power and strength which she believed we dare not exercise; and at last, after our letters had remained unanswered for years, and everybody but ourselves had perceived that the time was come when it was impossible for England to delay any longer to take the only step that could vindicate the honour and dignity of the country, and preserve peace. It was impossible for any person who did not feel the importance of this Motion on our foreign relations, to submit to the drudgery of going through the correspondence; but any one who would go through it would find it a very different thing from relating only to small claims, which was the only view that had hitherto been presented to the public. It was not for him to go through the

whole of the noble Lord's policy. It was sufficient for him to say that for many years he had admired it. He did not know the noble Lord—he did not believe he had ever had the honour of exchanging a single word with him; but, looking to the year 1848, in which the peace of Europe was threatened—in a manner, indeed, of which few could recollect any former instance—and the way in which the noble Lord had preserved the peace of this country, and had tended to preserve the peace of Europe, and asking in vain for it to be shown where our honour or dignity was impaired, he should vote most cordially for the resolution of his hon. and learned Friend the Member for Sheffield. He supposed it would be said that France had not interfered with Rome; that Russia had not interfered enough; that Prussia had not interfered. There was scarcely a nation in Europe that had not interfered except our own; and when we were challenged with interfering, and charged with disturbing the peace of Europe, he would say that our only interference had been by friendly mediation—that we desired to promote in every way the trade and peace of the different countries with which the noble Lord had any communication. [*Laughter.*] He could perfectly understand that that should be ridiculed by those who thought that the proper way to maintain the dignity and honour of our country, and to promote peace, was in all times to rank ourselves on the side of despotism. The hon. and learned Member for Abingdon had spoken of “the policy of order, and not of change,” and had spoken of it as if he had said something antithetical. He (Mr. P. Wood) believed it would be found that change was the only mode of preserving order. Would any one suppose that order would be preserved long in those Governments which admitted of no change? He believed the desire and policy of this country was that every nation should be as free and as well governed as our own; but that we would never attempt to impose any form of government on the Sovereign or people of any country. We never attempted any Propaganda system. [*Cries of “Oh, oh!”*] He repeated it, whenever our good offices were called for, or our advice asked, we had tendered it, and freely. But we had not supplied arms or money; and he thought it was an unfortunate mistake that the deputies from Hungary made in their struggle against the most decided act of tyranny that ever existed, that they trusted

rather to what had taken place at public meetings, where no person was responsible for what was said, than to the calm and rational exposition made by the Government. Every one would remember the day when the noble Lord said that Hungary was Austria's right arm, and that Austria would be inflicting a most fatal blow upon herself if ever she destroyed that country; but he said distinctly that Government would not take any step in interfering between Austria and those who were then her subjects; and if those Hungarians were deceived, they were not deceived by anything at the Foreign Office. He would say, also, that the affairs in the north of Italy appeared to him alone to justify the Motion; for, he would ask the House to consider what would have been the state of Europe if France, during the convulsions of Italy, had marched her army into the plains of Lombardy, and to say whether the Austrian Government had not much to thank the noble Lord for, as to the course he then took. That alone was a step that, at the most critical period, as the resolution said, not only maintained the honour and dignity of this country, but without which there might have been a war in Europe. The same course had been taken as to Denmark, and successfully; and he would ask whether, if it had not been taken, there would not have been a burst of war between Russia and the allied States of Germany. It was not for him to refer to what the hon. and learned Member for Sheffield had said of the noble Lord on a former occasion—the hon. and learned Gentleman would answer that for himself; but he (Mr. P. Wood) thought all those things paltry and petty compared with the great question at issue. He would say nothing either of the consequences of an adverse vote to Ministers: as far as his personal feelings were concerned, he thought any change of Government would in a very short time lead to such a combination of circumstances in this country as would infallibly carry out those reforms which he was so anxious to see effected. If he could divest himself of the belief that the honour of the country was involved in the question, he would care little about the result of the Motion; but he trusted it would never go forth to Europe that we were indifferent to the interests of British subjects, whatever might be their religion or their rank in the social scale. The main argument in the present case was, that with regard to the one unfortunate individual, he was

unworthy of attention because he was a Jew. He (Mr. P. Wood) trusted they would hear no more about the Jew, and that they would cease to bandy wretched personalities. Wherever they had a depressed people, long tyrannised over and misgoverned, moral principles would there be found weak. This had been the case with regard to the Jewish nation; but they were rapidly reviving from that in consequence of the liberal course pursued towards them by all the European Governments; and it was hoped that when Greece was liberated, she, too, would recover and take her place among the independent nations of the earth. But, unfortunately, at present, instead of finding frankness and readiness on her part, she had only made use of her weakness in order to give her that factitious strength to insult that State which had been her original protector. If her independence was to be maintained at all, it would not be by handing over our cause to Russia or France, but by teaching her an independent course of action—by showing her that England was long patient and forbearing, because she was powerful, and could afford to be so; but that the time must come when she could no longer forbear from obtaining redress for injuries, wherever her ægis of protection extended.

SIR J. GRAHAM: Let us, Sir, before the evening closes, at all events, get out of *nisi prius*. We have now had the advantage of listening for six hours to three Gentlemen of the long robe, and, excepting in the close of the speech of the hon. and learned Gentleman who has just sat down, we have not yet travelled out of the narrow circle of Greece. The hon. and learned Gentleman commenced his speech with an observation in which I entirely concur. It is hardly possible to exaggerate the gravity of the question we are now discussing, coupled with the attendant circumstances at the time it is discussed. I agree with the hon. and learned Gentleman that the question before the House touches nearly the dignity, the honour, and the interests of this country. I am dragged, Sir, into this discussion most reluctantly and unwillingly. On a question of this kind I think intentional absence would be cowardice; and silence, coupled with the opinions which I entertain and am about to express, is equally impossible. And yet, before I proceed to discuss this great question, will the House pardon me for a moment if I advert as shortly as I can to my own position? I have given to

the Government which now presides over the destiny of this country for the last four years an independent and an honest support; because, in the state of parties, and, with reference to the general position of affairs, I thought it my duty so to do. And, giving them that support, I have not carped about trifles—I have not sought to disparage any portion of their conduct even where I might have differed with them; and I have exercised this forbearance upon public grounds. The hon. and learned Gentleman says he is not personally acquainted with the noble Viscount the Minister for Foreign Affairs of this country. My position in this respect is entirely different. I have known that noble Lord for many years. It was my good fortune for four years to be his colleague; and, during that period, I can truly say that I never acted with any person whose conduct appeared to me more honourable, more trustworthy, more faithful to his Colleagues, or with whom I constantly maintained more friendly relations. It was not, therefore, in reference at all to any difference with him on public affairs that I parted from the Government with which we were both connected. On the contrary, I am sure the noble Lord will say that he and I, from the offices we respectively held in the Government of Earl Grey, were forced into the most confidential and perpetual communication with reference to the great transactions in which we were together embarked. And since I left that Government, now many years ago, and have been thrown into opposition to the noble Lord, in public I have received from him every courtesy, and in private all that kindness which he extends to all his friends without reference to party. I am, therefore, anything but hostile either to the Government or to the noble Lord. And yet I must remember that we are invited to-night not to discuss the narrow question of Greece simply. It might have been possible to raise that question—to have propounded views in terms of contradiction to the resolution at which the House of Lords arrived. You might have said, "Our claims with respect to Greece are founded in undoubted justice, they are not exaggerated in amount, and the course which has been pursued by the Government with regard to them is not such as endangers our friendly relations with foreign Powers." That course was quite open for Her Majesty's Government to pursue; and it would have been exactly analogous to the precedent to

which the noble Lord at the head of the Government referred, when, under the administration of Earl Grey, the Duke of Wellington carried a resolution in the House of Lords, recommending that the neutrality which His Majesty had recommended on a former occasion with respect to Portugal, should be observed by all his subjects. The question was carried against Earl Grey by a majority of ten. The very next day the question was asked, whether the Ministers of the Crown intended to make any change in their policy with respect to Portugal? "Not at all," was the answer; and Colonel Davis immediately gave notice of a Motion, the terms of which directly contradicted the Motion of the Duke of Wellington. It was confined strictly to that point. The substance of it was, "That the House extremely regretted that success had not attended the arms of Don Pedro in Portugal, and recommended that all measures should be taken by the Government that would be conducive to that end;" and I think this Motion was carried by a majority in this House of somewhere about 250. Now, that course would have been quite intelligible, and strictly in accordance with precedent; but now the hon. and learned Gentleman the Member for Sheffield, not in concert, as he says, with the Government, exercising his discretion as an individual Member, has enlarged the field of discussion, and opened up a much wider question. What we are now debating is by no means confined to the narrow circle of Greece. The question propounded to us is this: "Do you on the whole approve of the policy pursued by Her Majesty's Government with reference to the foreign relations of the country since their last accession to office?" Now I understand from the Government, that although this Motion is not brought forward at their suggestion, yet under the present circumstances in which they are placed, their desire is that issue should be joined upon that ground, and that the opinion of the House should be taken. It is therefore to that larger question that I mean to address myself; and if the House will extend to me its indulgence, although the theme is extensive, I shall endeavour as rapidly as I can to succinctly state my opinion with respect to some of the prominent points to which I shall call attention. I have already referred to my connexion in office, during Earl Grey's Administration, with the noble Viscount. Now, it cannot be supposed for one moment,

by those who recollect the transactions with reference to foreign Powers in which the Government of Earl Grey was engaged, that I can be over chary with regard to the foreign relations of the country, or that I am disposed to limit within very strict rules the necessity for English interference in the pursuit of English interests with reference even to the internal affairs of foreign nations. The hon. and learned Gentleman the Member for Sheffield has referred to one prominent transaction of that Administration—namely, the support given to Belgium, which had thrown off the yoke of Holland. I was a party, along with the noble Viscount, to the blockade of the ports of Holland, and to the expedition to Antwerp. I supported all the measures for the separation of Belgium and Holland, which was a direct departure from the treaty that had been entered into at Vienna. But I beg the House to understand that the noble Earl, whom we both served and looked up to with gratitude and deference, controlled that department of foreign affairs, and kept it very much under his own management; and let it be remembered how these political affairs were conducted. They were conducted with Prince Talleyrand as the representative of the Court of France, with Prince Lieven representing Russia, with Prince Esterhazy representing Austria, and with Baron Brunow representing the Court of Prussia at St. James's; and every step was taken deliberately, with the full and entire confidence of all the representatives of these great Powers. We interfered also with respect to Portugal, it appeared, very decisively, and to the extent not only of blockading the ports, but even of landing a portion of Her Majesty's forces, and we confirmed the dynasty of Don Pedro, and expelled Don Miguel. These were acts of strong and decided interference; but they were all so conducted as not to violate the opinions of our allies, and not to interrupt the most friendly intercourse with all the great Powers of Europe. Now, I would just observe, that my view of the danger, and the nature of the interference which, after Earl Grey ceased to be the head of the Government and Lord Melbourne's Administration, began—my view of the objections to the interference which the noble Viscount then commenced, was pointed out with great perspicuity by one of his present Colleagues—I mean the present Earl Grey, in a debate which took place in this House when my right hon. Friend

the Member for Tamworth was at the head of affairs. I will not trouble the House by reading many extracts; but still these words are so pointed, and, as I think, so prophetic, judging partly from the past, and also forecasting the future dangers of the interference in which the noble Viscount is disposed to indulge, and of which I shall have to show various instances during his administration for the last four years, that I should like to be permitted to read them to the House. Lord Howick was speaking on the Address moved in answer to the Speech from the Throne on the 1st February, 1844. He said—

“Like the right hon. Baronet the Member for Tamworth, then at the head of the Government, he thought there was no greater curse to the world at large, and to the interests of civilisation and humanity, than the carrying on in every Court of Europe, and in every country in the world, a party struggle between what was called the English party and the French party. He abominated the whole system of such interference; and he would say that the more they abstained from giving advice to other countries as to the management of their internal affairs the better. And for this reason—the representative of England or of France, or of any other great nation, accredited to another country, with the most sincere desire for the welfare of that country, might, and no doubt would, give the best advice in his power; but that advice was not always taken, and little by little he would become exasperated at those who did not look upon him as an oracle, and would favour that party who were most impressed with his superior wisdom. The Ministers of France and of England might take opposite views of what was most conducive to the interests of Mexico or of Portugal; and, little by little, totally contrary to the wishes of their respective Governments, a sort of French and English party was created. A struggle for ascendancy between those parties resulted, and the unfortunate country where the system was carried on became the prey of factions which were occasioned, and of animosities which were embittered, by this kind of interference. He therefore joined with the right hon. Baronet in deprecating anything of the sort; and he had heard with much regret the expressions of his noble Friend the Member for Tiverton, who, adverting to the present condition of Spain, had said that under that union of interests and that good understanding to which the right hon. Baronet had referred, and that union of interests which existed between France and England, the late Regent of Spain, to whom he paid a high and well-merited compliment, had fallen from power, and that a state of military despotism, if not anarchy, had succeeded. He joined in lamenting the unfortunate state of things now existing in Spain; but, while he did so, he rejoiced that the right hon. Baronet and the Government of the French King had abstained from taking any active part in preventing its continuance. He imputed blame to neither Government for what had occurred, and he only hoped that they might abstain, in like manner, from all interference for the future; and that they would

leave the Spaniards to settle their own affairs for themselves, as the most likely means of restoring that country to the state of constitutional government and security of person and property which all must equally desire.”

Now, Sir, I contend that the principles there laid down by Lord Howick are sound and most prudent. But now let us just contrast this language of Earl Grey with the conduct pursued by the noble Viscount almost immediately after his accession to power in 1846. This advice was pointed by Lord Howick with respect to Spain. Almost the first despatch written by the noble Viscount in 1846—I have it by me here—is a despatch dated the 19th of July, 1846, and addressed to Sir Henry Bulwer at Madrid—this despatch violates, as I think, all the leading principles contained in the advice to which I have already adverted as given by Earl Grey. I should be sorry to trouble the House by reading much of this despatch; but it must be observed that General Narvaez was then out of office in Spain; but for the system that had been established, General Narvaez was held as the responsible party by the noble Viscount. I will not read much, but still there are some expressions so strong, the interference is so direct with the whole scheme of government in Spain, that as specimens of the spirit which the noble Viscount has evinced from the first moment after he returned to the Foreign Office to conduct its affairs, and began a career of minute interferences with all the concerns of our allies, and more especially towards Spain, that I cannot do justice to the subject without reading a few passages. It will be remembered that the noble Viscount came into office about the middle of June, and this despatch was written on the 19th of July following. This is the way in which he talks of a great nation like Spain. He says—

“She has indeed a Parliament by law, but all freedom of election is overborne by force or by other means.”

[“Hear, hear!” *from the Liberal Benches.*] This may be all very true; but is this the mode in which the Government of Spain should be addressed by the Minister of an ally in a time of profound peace, when friendly relations subsist between the two Powers. He also says—

“No sooner does her Parliament meet than on the first manifestation of opinion that is not in accordance with the views of the Executive, it is either prorogued or dissolved. There are, indeed, by law, tribunals for the trial of persons accused

of offences and crimes; but numbers are imprisoned, and banished, and even executed, not only without being found guilty, but even with a trial. This system of violence and arbitrary power seems in some degree to have survived the fall of its author (Narvaez), and has not yet been abandoned entirely by the more moderate administration that succeeded him."

Then the noble Viscount proceeds to give advice to the Ministers. There was the comment on Narvaez, who was no longer in power, but was the Ambassador of Spain at the Court of France, and then came the advice to the succeeding Ministry who then ruled over the destinies of Spain:—

"It is greatly to be hoped that the present Ministry, or those who may succeed them, will lose no time in returning to the ways of the constitution and to obedience to the laws."

All this is, no doubt, most excellent advice; but the question with me is, is it possible to hold such language as this towards the Ministers of an independent Power, consistently with the permanence of your friendly relations with that Power? I say it is practically impossible, and the result will prove it. The despatch goes on:—

"Arbitrary violence like this must create open resistance, and while it is administered even by the strong hand and determined will of the individual who organised it (Narvaez). And when an attempt is made to continue it under a weaker and less daring direction (meaning the new Ministry), no great degree of sagacity was required to see that it must lead to outrage. For when the law is set at naught, in providing for life, liberty, and property, it is not surprising that the people should at length cease to respect it."

Now it is right that these principles should be observed by a Minister in his own sphere; but what will be the effect of preaching these lessons to the Governments of independent nations, owing no obedience to you, and not disposed perhaps to borrow your maxims? There is a caution at the end of this despatch that its contents are not to be too abruptly communicated to the Minister; but there is to be no reserve whatever with regard to stating this opinion of the noble Viscount and Her Majesty's Government. The substance of this despatch almost immediately transpires, and you find that Sir H. Bulwer writes to the noble Viscount on the 22nd of August, a despatch from Madrid, which concludes with this passage:—

"The French Government has not failed to turn its knowledge of the despatch of the 19th ult., which your Lordship addressed to me, to account, by representing it as a declaration of the hostility of the British Government to the present Government of Spain."

Now, whilst I am on the subject of Spain, I will just pass from 1846 to 1848, after that great convulsion which overthrew the French monarchy. The noble Viscount then addressed an admonition to the Government of Spain. At that time Narvaez had returned to power, and the admonition was addressed to Narvaez through Sir H. Bulwer; and Sir H. Bulwer, so far from exercising any reserve as to his instructions, communicates the substance of this advice to the Queen Mother and the Minister. The despatch to which I allude is dated the 16th of March, and contained this recommendation, that Narvaez should enlarge the basis of his administration, and take some Liberals into office. Narvaez received this communication with the most extraordinary complacency. He told Sir H. Bulwer if he could persuade him that by making way for his rivals and opponents, he could advance the prosperity of his country, he was willing to surrender power, and follow the advice of the noble Viscount; but he came to the opposite conclusion. He did not make way for a political rival, but rather pursued the course which the noble Viscount is inclined to practise on the present occasion. He did not make way for an opponent; and the consequence was, that the opinions expressed by the British Government, which were taken so very smoothly and with such apparent complacency by Narvaez, led in a short time to an order for Sir H. Bulwer to leave the Court of Madrid. As I have mentioned the subject, I will just show you, what I think is a demonstration, that there is more objection to be taken to the unfortunate tone assumed by the noble Viscount, than to the course adopted in many cases by himself. I would refer to the very recent reconciliation that has taken place between the Court of Spain and the Court of St. James. The proudest nation in the world, which is without question the Spanish nation, made an advance to the British Government, after two years of interrupted relations. A sort of *amende* was made for the abrupt manner in which Sir H. Bulwer was expelled, and in the answer (personal exception having been taken, whether rightly or wrongly I will not now discuss, with reference to certain measures taken by Sir H. Bulwer, or some countenance shown by him to insurgents in arms against the Queen of Spain), the noble Viscount, while agreeing to a reconciliation, gratuit-

ously makes this most extraordinary declaration. He says, "If Sir Henry Bulwer was not across the Atlantic, and employed at Washington, Sir Henry Bulwer is the Minister I would advise my Sovereign to send back to Spain." [*Cheers.*] Are these the lovers of peace who cheer? Are these the friends of the most amicable relations with all the great Powers of Europe? Do they believe this to be a conciliatory measure? Why, the selection of Sir H. Bulwer could produce no other event than the renewal of the most bitter animosity. But now I will just pause at the next nation that presents itself to my recollection. It is Portugal, where we have frequently interfered. Connected with these measures is a question as to their success. The object of the noble Viscount is a legitimate object, as far as is consistent with friendly relations with foreign countries, to support and promote the cause of civil liberty to the utmost extent. Has the noble Viscount been successful by the course he has adopted either in Spain or Portugal in promoting the cause of civil liberty, and placing in power the men most disposed to give effect to those principles? He has riveted Navaez in power in Spain; and in Portugal, where he interfered most actively, almost by force of arms, in favour of the Liberal party, the noble Viscount found that party universally opposed to the possession of power by one man, and that person was Costa Cabral. There is the semblance of a representative government in Portugal—I am afraid it is rather the semblance than the reality; and, since our active interference, if not in consequence of it, Costa Cabral is Minister of the Queen of Portugal, continues so still, and is likely to remain so. I will now refer to a period preceding the great events that occurred in Paris. In the autumn of 1848 there was a heaving perceptible throughout Europe that indicated the approach of the great earthquake that took place in 1848, and overthrew the dynasty of Louis Philippe. In no place was this so clearly indicated as in Switzerland. I was most anxious, with your permission, that I should address you before the noble Viscount was heard in this debate. I was most anxious he should have an opportunity of correcting any error into which I might fall, or rectifying any mistake which, from inaccuracy or accident, I might make; and I rejoice to have the opportunity of expressing fully my opinion in presence of the noble Viscount before he has spoken, that he

may have ample opportunity of vindicating himself. To return to the affairs of Switzerland. Early in the autumn of that year (1847) a most fatal schism took place between two portions of the different States composing that great Republic. One of those divisions was termed the Sonderbund, or, as a term more intelligible, I would say the moderate republicans. The other party, which was the party at Berne, for brevity I will designate the red republican. ["No, no!"] I use the term merely for the sake of clearness, but I shall say then the moderate republicans and the ultra-republicans. The Minister of France, M. Bois le Compte, and Mr. Morier, the Minister of England, were acting in perfect accordance; and the administration of France, then under M. Guizot, was inclined to encourage the moderate republicans, and check the rapid advance and presumptuous measures of the ultra republicans. As I have said, the French and English Ministers were acting in perfect accordance up to the month of July; but at that period Mr. Morier was withdrawn, and Mr. Peel was left at Berne as *Charge d'Affaires*. At that time the Duke de Broglie was Ambassador from France in this country; and I am sure every one will agree with me when I say that he is a man of the most unimpeached honour, and strict integrity, and of the greatest public and private virtue. He represented to the noble Viscount at the head of the Foreign Department the dangers he saw as likely to arise from the state of affairs in Switzerland, and he suggested to the noble Viscount the possibility of the Court of St. James and the Court of France acting in concert with reference to its situation, and arresting the state of things that then existed. The noble Viscount, in the first instance, was not disposed to accede to the proposition; but after the lapse of some time a proposal came from the noble Viscount, through the Chevalier Bunsen, to the Duke de Broglie, that a note signed by all the Powers should be presented for the settlement of the question. France at once gladly acceded to the proposition; the proposition was made by the Chevalier Bunsen on the 30th of October, and the draft of the note was presented to the noble Viscount by the Duke de Broglie on the 6th November. In the meantime the danger of a civil war in Switzerland was every day becoming more imminent. By a despatch which, I think, was written in

the month of August by Mr. Peel, it will appear that he had made, by the direction of the noble Viscount, a friendly communication to the person who presided over the ultra republican party at Berne. The gentleman was extremely gratified by the communication, and asked for a copy of the letter of the noble Viscount which Mr. Peel had read; but he said he had not instructions, and without instructions declined to give it. Now, I am speaking of a publication which recently has been made in France resting upon despatches which are in the Foreign Office of France, from M. Bois le Compte. I said the specific draft of the note was tendered at the Foreign Office on the 6th of November by the Duke de Broglie. The noble Viscount kept the note to the 16th, without making any written communication upon it; on the 16th he suggested a certain alteration; this alteration had to be sent to Paris; it was sent there and finally adopted, but from the 16th to the 26th of November time was consumed in agreeing to the alteration in the note, and the note itself was not signed until the 26th of November. Now dates are important. Mr. Peel writes to the noble Viscount on the 22nd of November, from Berne, stating that General Dufaure had advanced from Berne in great force, on Lucerne, where the Sonderbund was assembled, and in such force that he expected a decisive action would take place. That letter from Mr. Peel was received on the 26th of November at the Foreign Office, the very day on which the note was signed. On the 27th you will find a paper respecting Switzerland, addressed to Sir Stratford Canning, in connection with the presentation of the note; and as to a certain contingency which the noble Viscount contemplated, there is this statement—"It is possible when you arrive at Berne you may find the Sonderbund dissolved by a complete victory gained over them by their antagonists; in that case you will not present the note." Now comes the matter that really does touch the honour of this country. The French Minister in Switzerland, in a despatch to M. Guizot, still in the archives of Paris, states that the English Minister admitted to him that in consequence of the private instructions of the noble Viscount, and of a communication which he conceived was in the spirit of the act, he had sent to General Dufaure a messenger from his own embassy, the chaplain, I believe, directing the General

to lose no time, but make haste in his operations. [Viscount PALMERSTON: It is quite untrue.] I will say I was anxious to address the House before the noble Viscount addressed it. This statement has been current through Europe, and is not contradicted; and when we are discussing a question affecting the character of our foreign relations, it is right in the presence of the noble Viscount to state it, and give him an opportunity of denying it. He will not blame me for giving him the opportunity; but I must observe, if I mistake not, the confidence of the Government has not been withdrawn from Mr. Peel. Mr. Peel remained Charge d'Affaires after the transaction; and since the publication he is still in the employment of Her Majesty's Government. [Viscount PALMERSTON: He sent no such message.] The allegation of the noble Viscount is, that the Minister of France, and the Minister of Spain, who was present at the interview when it is said Mr. Peel made the admission, are in the opinion of the noble Viscount convicted of a mis-statement. Well, an opportunity is now given of explaining the matter; I have no knowledge of the subject but from the documents before me, and I assure the House that I have but truly stated the fact as set forth in the publication of M. D'Haussonville. We will pass from Switzerland to France. Now, Sir, I do not think it is necessary, in the present circumstances, that I should give a detailed opinion to the House on the mooted question of the Spanish marriages, or whether there was an infraction of the Treaty of Utrecht or no, or whether the course taken by the Government of France was in violation of the engagements they contracted with the English Government; but I must say this—that the misunderstanding which arose between M. Guizot and the noble Viscount in reference to that transaction, led to a personal quarrel (I have almost said) animosity on the part of the noble Viscount to that Minister, which pursued him to his fall. And it was not confined to misunderstanding and want of confidence; but, unless I am greatly mistaken, the English Ambassador, on the very eve of the great convulsion that overthrew Louis Philippe and his dynasty, was in most familiar and constant communication with the political opponents of M. Guizot, with those men who sought only to supplant an administration, but overthrew a monarchy

and established a republic, which republic, established in consequence of their own measures, they seek now to modify and change. There will rest upon the conduct of the noble Viscount a heavy responsibility for the course he has pursued. [*Cheers.*] I certainly have not overstated the case in this particular. It will be to the last hour of the noble Viscount's life a matter of regret, that when he sought only to displace M. Guizot, he effected a change in a neighbouring State, the end of which is still uncertain: other generations will witness it; I hope they may not deplore it. I will proceed now to take up Italian affairs; and as we are discussing them, I will mention a matter which has never yet been explained—I mention it in the presence of the noble Viscount, to give him an opportunity of explaining it. In February, 1848, there was laid upon the tables of the Houses of Parliament a short correspondence with respect to Italian affairs that took place in the previous months of August and September, between himself and Prince Metternich. These were in August; and there was another despatch addressed by the noble Viscount to Lord Ponsonby, in the month of September, 1847. In the last despatch to Lord Ponsonby, he conveyed, in indirect terms, but in terms not to be misunderstood, a suspicion on the part of the noble Viscount that Austria was engaged in designs inconsistent with the independence of Piedmont. The noble Viscount says distinctly, the execution of any such attempt could not be regarded with indifference by Her Majesty's Ministers. This was laid on the tables of the two Houses of Parliament in February, and the last despatch was apparently without an answer. It was announced, therefore, to Italy, that the British Government saw reason to suspect Austria of designs on the independence of the Italian States; and the expectation was raised and the hope encouraged that reliance might be placed upon the assistance of England if any such attempt were made. There is no doubt that the noble Viscount received an answer to that despatch from Prince Metternich, containing a most solemn denial of any such intention, and stating that the policy of Austria in Italy was purely defensive; that they had no design on Piedmont, and were ready to enter into an arrangement to guarantee the independence of Piedmont. That was

in October, and the noble Viscount, in the February following, submitted to the House the letter containing the accusation, but did not accompany it with Prince Metternich's answer. It was not until the month of August following, when Lord Brougham, in the other House of Parliament, moved for the production of the despatch, having a copy of it in his pocket, and not until then, was that despatch produced, it having then been dormant in the Foreign Office more than eight months. Austria has loudly complained of this conduct; and if there be no answer to that complaint, I must say it appears to me well-founded, and not consistent with the honour and character of the British nation for good faith and fair dealing. The effect of this despatch of the noble Viscount was, as might be expected, very exciting. Piedmont, so far from waiting for an attack, became the assailant. Then, after the events had passed, the question arises, did the noble Viscount and Her Majesty's Government do all in their power to restrain those attacks? The advice was of a very peculiar kind, not saying this is a violation of all your engagements to us, or a departure from the Vienna settlement, but simply a suggestion that Austria was too strong, and Piedmont was too weak, and probably she might fail in such a rencontre. Austria, at the moment the first onset was made, appealed to the noble Viscount and to Her Majesty's Government in the midst of its difficulties to mediate between her and Piedmont; but what was the *sine quâ non* on our part towards a friendly Power in the midst of difficulties? The noble Viscount insisted, as a condition precedent to an acceptance of the mediation, that Austria should not only abandon Lombardy but surrender Venice; and as Austria would not consent to the surrender of Venice, the noble Viscount declined to undertake the mediation. It is impossible to say what has been the effect of that act of the noble Viscount. My belief is, that the insurrection of Hungary was the consequence; and, what I regret as much as any man, the intervention of Russia, the interference of that country to crush the Hungarian insurrection having thus been rendered necessary. If it had not been for the extraordinary courage and constancy of General Radetzky, the consequences might have been more serious. What, then, has been the result of the noble Viscount's policy throughout Italy? Has the noble Viscount promoted the cause

of Italian liberty by the course he has pursued? Piedmont was twice in one year at the mercy of the invading army of Austria. Rome is in possession of the French army. Lombardy is under the military rule of Austria. Venice was reconquered. And we cannot forget the daring exploits in Naples, which the noble Viscount was so anxious to uphold. What was the course pursued by the noble Viscount at Naples? At Naples there was the open interference of the English fleet. It was at the option of Her Majesty's Government to interfere with reference to the course to be pursued in Sicily—which island had a peculiar claim on our intervention. But in the interference which took place, the advice which was given was not, it is true, so far as words are concerned, quite so strong as in the case of Narvaez. The interference with his Neapolitan Majesty was not, however, confined to the shape of advice, but the British fleet was actually employed upon the coast of Sicily. But the Sicilian insurgents, when their efforts to assert their liberty were more or less successful, bethought them of tendering the crown of Sicily to the son of the King of Sardinia. But how was the crown of Sicily offered to the son of the King of Sardinia? The messenger entrusted with the offer was sent on board of a British man-of-war; and almost as soon as the post could convey the assurance from London to Turin, the assurance was given, that if the Duke of Genoa accepted the proffered crown, he would be recognised by England as the ally of this country. Affairs, however, took another turn. The King of Naples vindicated by force of arms his power against the Sicilian insurgents, who had been encouraged by us. They had relied upon our assistance—they had prolonged the contest in reliance upon that assistance—they were overcome, we left them to their fate—and a large body of these Sicilian refugees, flying to Malta in despair, were refused by the British Governor an asylum in that island. I shall now pass to another point upon which I am anxious to have the explanation of the noble Viscount the Secretary for Foreign Affairs. I most distinctly, and in terms as strong as any which have been used by any hon. Gentleman, say, that the message sent by the Emperor of Russia, through an aid-de-camp, to the Grand Sultan, demanding the expulsion or surrender of the Turkish and Polish

refugees, was a harsh course, contrary to engagements, and one which it became England to prevent as far as it was in her power to do so. The course taken by Her Majesty's Government in the first instance was not only, I think, unexceptionable, but right and highly honourable. They appealed to the generosity—to the good faith of the Emperor, in a despatch, firm in its tone, and yet conciliatory in its character; the very course which in the transactions of ordinary life it was prudent and right to adopt; and, after all, these public transactions are not, when honour is concerned, much to be distinguished from the transactions of private life—they appealed to the honour and generosity of an Emperor at the head of a great people, and of a powerful army and fleet. But it would not appear to me very decorous and prudent at the same time, when you have appealed to honour and generosity, to have taken any step which could be construed into menace. I say, therefore, that the order of the English fleet to proceed to the mouth of the Dardanelles, before the effect of the appeal to the Emperor had been ascertained, was improper in the highest degree. The order for the fleet to proceed to the mouth of the Dardanelles was, however, given. Now there is a transaction connected with this which is still more important. A treaty was in existence, the treaty of Unkiar' Skelessi, by which the Sea of Marmora and the Dardanelles were closed to the ships of naval powers, no vessel being allowed to pass without a special firman from the Sultan. Now the English fleet not only proceeded to the mouth of the Dardanelles, but Sir Stratford Canning called upon the admiral of the fleet actually to pass the Dardanelles and to go up to Constantinople; and, if I mistake not, obtained a firman from the Sultan for that purpose. But Admiral Parker, although he abstained from passing the Dardanelles, did not remain at anchorage outside the Dardanelles, but went within them. Reference has been made to this transaction by some hon. Gentlemen, who are rather disposed to be surprised at any expressions of anger on the part of the Minister of Russia at what he called the precipitate entrance within the Dardanelles of the fleet of Admiral Parker. Now, considering that such entrance was a violation of a positive treaty, I am not surprised at some such expression of opinion on the part of the Government of Russia. But

before it could be known whether the appeal to the Emperor was successful or not—nay, more, before the letter making that appeal was presented, in consequence of an application from the Sultan himself, without the intervention of any foreign Power, the concession to the Porte had been made by Russia. When Russia heard that, accompanying the appeal made to him, there had been a hostile demonstration of the British fleet at the mouth of the Dardanelles, the Emperor was naturally most indignant, and an excuse was made by the British Minister. Now, the question which really touches the honour of England is, was the excuse which was made, consistent with facts or not? The excuse which was made was, that the fleet was driven within the Dardanelles by stress of weather. Now there is a living witness, a Member of the House of Peers, who as a Peer, may upon his honour be believed in his place in Parliament, I mean Lord Hardwicke, who was in command of a line-of-battle ship upon that occasion, and he declares that so far from being driven within the Dardanelles by stress of weather, Admiral Parker weighed anchor, and upon a fine day, with a leading wind and in smooth water, entered the Dardanelles and cast anchor there. Now this is a matter touching intimately the honour of this country; and again I say I shall be happy to hear the explanation of the noble Viscount with respect to this matter. This brings me down to the affairs of Greece, when, after the entrance of the Dardanelles by Admiral Parker, his fleet proceeded to the Bay of Salamis. The proceedings which took place there have been dwelt upon so long that I shall not trouble the House at great length upon that particular point. I have already said that the tone assumed by the noble Viscount the Secretary for Foreign Affairs is—I can hardly use an expression less strong—sometimes so offensive that I am not surprised that hostile feelings should be generated even in the minds of many who are most desirous of continuing upon amicable relations with this country. But I hold in my hand a letter which purports to be written by the noble Viscount to M. Glarakis in the month of October, 1847. It was printed in a Greek paper, the French party as it was termed being in possession of power at Athens, the opposition party being in connection with the English Minister. This letter, which I am about to read, was pub-

lished at Athens; it has never been contradicted, and certainly as a specimen of the tone of writing to an independent foreign Minister, even though it be the Greek Minister, if it be not contradicted, will go far in my opinion to account for all the unwillingness of the Greek Government to make any concessions to Her Majesty's Government. It will be observed that M. Glarakis had succeeded M. Coletti as Foreign Minister, who was supposed to have been under the influence of M. Piscatory. M. Piscatory was the French Envoy at Athens, and acted under the orders of M. Guizot, with whom the noble Viscount was outwardly on amicable terms, although I fear he acted towards him privately in a different spirit. These are the terms of the letter in question. The letter is dated October, 1847, and is as follows:—

"M. Glarakis will do well for the future to abstain from unjust accusations against Her Majesty's Government and its agents. He ought not to forget that those are not the means by which the relations of the British and Greek Governments can be placed upon a footing more satisfactory than they have hitherto been. As for General Grivas there is nothing in his former conduct or political opinions calculated to render him an object of importance on the part of the British Government; and if Her Majesty's Government viewed him with any sympathy, it is solely because he has been the victim of injustice and tyranny. The system followed for some time past by the Greek Government has been a system of illegality, of corruption, of violence, of injustice, and of tyranny, oppressive and disgusting to the Greek nation wherever the action of the Government of the country is felt."

I should have abstained from reading this letter had it not been that I was anxious to show the House in what manner the noble Viscount, in the last sentence, speaks of M. Coletti, who had preceded M. Glarakis, but who had recently died:—

"Her Majesty's Government will hope that this iniquitous system would cease with the life of the Minister who was generally considered as its author, because he was its chief instrument. But M. Glarakis declares that he means to persevere in the same system. It is evident that this system, so carried on, is supported by other influences equally hostile to the welfare of Greece, and contrary to the interests of her King."

[*Cheers.*] Do those hon. Members who cheer that passage, really think that this is language in which an English Minister should speak of the late first adviser of a foreign sovereign, with whom we seek to maintain friendly relations? The letter goes on to say that—

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noble Viscount himself. M. Drouyn de Lhuys states in his despatch—

"Lord Palmerston replied that the English Government had other grounds of complaint against the Government of Greece, and that he could trace the hand of the Greek Cabinet in the agitation which had secretly excited the population of the Ionian Islands."

You have, therefore, the Governor of the Ionian Islands first on a solemn occasion making the accusation; you then have it denied most solemnly by the Ministers of King Otho; and, in consequence of that solemn abnegation, you have the retraction of the governor; and then six months

after, the noble Viscount at the head of the Foreign Office, when stating his claim upon the Greek Government, revives the accusation, and presses it as a ground of complaint to the Ambassador of France.

gain, I say, truth and plain dealing are essential qualities, if you are to maintain the honour of the English nation in her foreign relations. Now, I admit

at with respect to the pecuniary claims of M. Pacifico, Mr. Finlay, and more especially the claims for some redress on account of the insult offered to the boat's crew of a British ship of war, much may

be said in vindication of these claims; but I must say that these appear to me much

the least important part of the transaction, shown in these papers, yet it is the part which the hon. and learned Member for

Wiltshire, with great address, principally dealt with; and he will forgive me for saying

in so doing he played the part of an advocate, rather than of a person engaged

in liberately discussing a great question of national importance: he dwelt

on the minor topics, but he passed lightly through the most difficult part

of the case—I mean that of the territorial dispute for the islands of Cervi and Sa-

my. I stated, in a letter, a copy of which is in the papers presented to us, that Mr. Wyse was directed to represent

the Greek Government, in answer to the argument against our claim, that the justice of our demand to be

ably proved. Now, with respect to the justice of our claim, I do not think a

difficult or doubtful case could possibly be made. It is one which depends entirely

on the question whether, at the time of the conquest of Venice in 1797, when France conquered

Venice, those islands really belonged to Venice or not. The whole case turns upon that matter of fact. What the Ionian State may have claimed, and what they may

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Rick,
I'm sending this on to you.
It originally got sent out of the
Stacks office to Book Repair
and people from your dept.
check over books before they go.
There's no pending preservation
notation in it. However, a
number of other volumes in
the set are in very bad
shape. You might want
to check them over, but it
may be too large of a project
for your office to handle at
present.

Mark G.
Stacks, C/L

Chamber, in a despatch of M. Drouyn de Lhuys, dated the 14th of March, a passage occurs in which complaint is made of the revival of this charge by the

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noble Viscount himself. M. Drouyn de Lhuys states in his despatch—

"Lord Palmerston replied that the English Government had other grounds of complaint against the Government of Greece, and that he could trace the hand of the Greek Cabinet in the agitation which had secretly excited the population of the Ionian Islands."

You have, therefore, the Governor of the Ionian Islands first on a solemn occasion making the accusation; you then have it denied most solemnly by the Ministers of King Otho; and, in consequence of that solemn abnegation, you have the retraction of the governor; and then six months after, the noble Viscount at the head of the Foreign Office, when stating his claim upon the Greek Government, revives the accusation, and presses it as a ground of complaint to the Ambassador of France. Again, I say, truth and plain dealing are essential qualities, if you are to maintain the honour of the English nation in her foreign relations. Now, I admit that with respect to the pecuniary claims of M. Pacifico, Mr. Finlay, and more especially the claims for some redress on account of the insult offered to the boat's crew of a British ship of war, much may be said in vindication of these claims; but I must say that these appear to me much the least important part of the transaction, as shown in these papers, yet it is the part on which the hon. and learned Member for Sheffield, with great address, principally dwelt; and he will forgive me for saying that in so doing he played the part of an advocate, rather than of a person engaged in deliberately discussing a great question of vast national importance: he dwelt much on the minor topics, but he passed very glibly through the most difficult part of his case—I mean that of the territorial claims for the islands of Cervi and Sapienza. I stated, in a letter, a copy of which is in the papers presented to us, that Mr. Wyse was directed to represent to the Greek Government, in answer to their able argument against our claim, that we held the justice of our demand to be indisputably proved. Now, with respect to this part of our claim, I do not think a more difficult or doubtful case could possibly exist. It is one which depends entirely upon the question whether, at the time of the treaty in 1797, when France conquered Venice, those islands really belonged to Venice or not. The whole case turns upon that matter of fact. What the Ionian State may have claimed, and what they may have as a matter of right asserted to be

theirs, is nothing compared with the general treaty between Russia and the Porte; and when that transfer was made to the Ionian Islands, it was always with reference to the antecedent possession of Venice. It is therefore a question of very nice investigation, depending not only upon the meaning of the treaty, but also upon the investigation of the fact. It was by the merest accident, however, that the islands were not seized in October last. The order from the Foreign Office to the Admiralty, and from the Admiralty to Admiral Parker, consequent upon that order, to take possession of the two islands, are not given in the papers laid before the House; but there is a letter from Admiral Parker, dated October, acknowledging the receipt of instructions dated some time in September. The order to seize the islands, however, was peremptory. A more hasty order, and a more ill-advised one, I think, never was given by any Government; and if it had been then executed it is quite plain that France and Russia would have had just ground to complain of a breach of treaty, and a *casus belli* would have arisen between the parties to the treaty. Admiral Parker was in no haste to execute the order; the seizure did not take place; and this country is deeply indebted to the prudence of Admiral Parker, who hesitated to carry such an order into effect even after his return from the Dardanelles to the Bay of Salamis. This brings me then to the conduct of Her Majesty's Government towards the Government of France, with respect to these late transactions, and again I deeply regret the course which has been pursued in this respect. The hon. and learned Member for Sheffield has expressed an opinion that it was right to refuse the mediation of France, but right to accept her good offices. That is a matter of opinion; but I am bound to say that I think affairs had advanced so far, and we had asserted our rights with so high a hand, that to have accepted the mediation of France would have been hardly consistent with our independent position. I must add, however, that France having tendered the mediation which we rejected, to accept her good offices appears to me to have been the surest mode of leading to a misunderstanding on the subject. France asked to mediate with a view to a settlement; she made this offer deliberately, having formed an opinion on the merits of the *case*; the construction which she put on

it, in her estimation, was the right one; and when her mediation was refused, the manner in which to exercise her good offices was certain to lead to disappointment to France in the settlement, and to mutual dissatisfaction. Now, I must say there are several circumstances attending the transaction which I do not approve of. After the convention of London had been signed, when from some misunderstanding at Athens another agreement had been extorted by force of arms, and when the English Government admitted that it was only by an accident that the intervention of London was not effectual—the natural and wise course would have been frankly and at once to have met the wishes of France, to have abandoned the convention wrung by force from the Greek Government, and to have given effect to the settlement yielded to France in London. I think it a great misfortune that the just expectation of France was not immediately satisfied in this respect. The course taken has been that of delay, and of attempts to obtain conditions, as it is said, less derogatory to the independence and dignity of England. But the transaction has ended in your acceptance at last of that which we might have obtained before the recall of the French Ambassador. Consequent upon that recall some negotiations took place at Athens; and, pending those negotiations, and to serve probably some purpose of debate in another place, a correspondence was produced charging Baron Gros with a breach of faith; again, another despatch was produced in two days after, addressed to the Marquess of Normanby, more or less explaining the mistake, withdrawing the charge of bad faith, but leaving the British Government open to the imputation of creating false impressions by the premature publication of imperfect documents. I am willing, however, to hope that our differences with France are accommodated. I wish I could add, that the settlement of this Greek affair has redounded to our honour and influence in Europe. Sir, something has been said with regard to Denmark, and the hon. and learned Gentleman who last sat down complimented the noble Viscount with respect to what he had done in that case. I confess, Sir, I cannot join in that compliment. It is two years since that difficult question arose. There are two guaranteeing—two co-guaranteeing—Powers, France and England. England has repudiated her

guarantee; but France, as I understand, has not hesitated to accept it. We are told that our friendly relations with Prussia are not disturbed. Sir, I conceive the settlement of that question is indispensable in order to ensure a good understanding with Prussia. Every hour's delay increases the difficulty of that settlement, and every increase of difficulty in the way of settlement is more likely to lead to a misunderstanding with the Prussian Government. But, Sir, what has been the result of all this? The Austrian Ambassador has been withdrawn from London; the French Ambassador has been recalled; our relations with Prussia, on account of the non-conclusion of the arrangement with regard to Denmark, are insecure; and we have received notes from Count Nesselrode, on which the hon. and learned Member for Oxford commented with some severity, notes, which are not couched in very friendly terms. Somebody said the first note was withdrawn; in a second note, more conciliatory in its tone; but I think I have seen a third note published, which has the appearance of anything but a retraction. We have every reason to believe that the Russian Envoy at this Court, previous to the recall of the French Ambassador, remonstrated against the refusal of our Government to ratify the convention agreed upon in London. Sir, I have already said, that Narvaez is all-powerful in Spain; that Costa Cabral is all-powerful in Lisbon; that the French army is in occupation of Rome; and that the Pope is much estranged from friendly intercourse with this country. Then, I am asked, because the noble Viscount is not the Minister of Austria, or of Russia, or of France, but is the English Minister, *par excellence*—I am asked to come to a vote affirming absolutely that, under his guidance, the interests of England have been preserved in a manner most conducive to the honour of this country, and to the maintenance of amicable relations with foreign Powers. Sir, to this conclusion I cannot come. It is impossible for me, consistently with truth, and with my construction of the transactions which I have laid before the House, to give any such vote. I must give my negative to the resolution proposed by the hon. Member for Sheffield.

MR. M. MILNES moved the adjournment of the debate.

Debate adjourned.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, June 25, 1850.

MINUTES.] PUBLIC BILLS.—1st General Board of Health; Court of Chancery; Pirates (Head Money) Repeal Act Commencement.

2nd Court of Session (Scotland); Police and Improvement (Scotland).

Reported.—Titles of Religious Congregations; Crime and Outrage Act (Ireland) Continuance.

3rd Sheriff of Westmoreland Appointment.

Royal Assent.—Judges of Assize; Pirates (Head Money) Repeal; Greenwich Hospital Improvement.

POST OFFICE ARRANGEMENTS—SUNDAY DELIVERY.

LORD BROUGHAM, in reference to some petitions presented by the Earl of Chichester, said that every day's experience showed that the recent regulations of the Post Office could not be carried into execution without producing the most injurious results. The non-delivery of letters on the Sunday had already occasioned many serious inconveniences in some parts of the country, and when it came into full operation all over Great Britain, would occasion many more. He had recently received a letter from a manufacturer at Chesterfield, whose waggoner had been killed on the road last Saturday, showing the inconvenience which had been sustained in consequence of the inability of that manufacturer to forward his letters immediately to inquire into the circumstances under which his waggoner had been killed, and to ascertain whether the goods which he had expected to receive from various parts of the kingdom had or had not been stolen from his waggon after his waggoner had been killed. Under the old system, he might have received information on all these points by the Monday morning; but under the system enforced for the first time on Saturday and Sunday last, his correspondents could not even receive his letters, asking for information until Tuesday morning. The object of the recent Orders was to obtain a due observance of the Sabbath; but they would produce quite the contrary result. His correspondent had been compelled to send men on the Sunday to the different places where his correspondents lived, to procure in person the information which he required. It was quite clear that those persons could not go to church that day, and were therefore damned, so far as regarded the due observance of the Sabbath. Let their Lordships consider for a moment what would be the case when similar accidents in every part

of the kingdom should simultaneously lead to a similar compulsory violation of the Sabbath. Hundreds of clerks would be flying about the country on Sunday in order that three or four Post Office officials might enjoy a holiday for which they individually were not anxious. He argued that for such an object it was not expedient that our great merchants at Leeds, Liverpool, Manchester, Sheffield, and other large towns, should be compelled to risk their credit, and to run the danger of having their bills protested, from their inability to give means and information on Sunday to their agents to provide for them. Such danger would be incurred all over Great Britain; and, as it must be prevented in one way or another, it would lead to the employment of hundreds of clerks on the Sunday, and would thus, instead of improving the observance of the Sabbath, lead to its increased desecration, to the benefit of a few *employés* in the Post Office, and to the injury of thousands of other persons.

SHERIFF OF WESTMORELAND
APPOINTMENT BILL.

The MARQUESS of LANSDOWNE moved the third reading of this Bill, which discontinues and abolishes the rights of the heirs of Robert de Veteripont to the office of High Sheriff of Westmoreland, and vests the appointment of the Sheriff of the county of Westmoreland in Her Majesty. The shrievalty of Westmoreland had been hereditary for many centuries in the ancestors of the Earl of Thanet. The last Earl had deceased without issue, and had devised the office to a distant relative; but it was doubtful whether the office passed by the devise, or was vested in the heirs at law of the late Earl—at any rate it was not likely that the claims to the hereditary shrievalty would be speedily settled. This Bill was therefore necessary to prevent any interruption in the course of the due administration of justice.

Bill read 3^a.

LORD REDESDALE proposed to add to the Bill a clause restricting the power of the Crown to appoint to this shrievalty, until such time as the right to the office, either by hereditary right or devise, should be established in a single person.

LORD BROUGHAM pointed out the great inconvenience which would arise if this Bill did not pass at once. In the year 1825 his lamented friend, Sackville, Earl of Thanet, died abroad just before the com-

mencement of the assizes. With him died his right of deputation, and in consequence there was no under-sheriff in Westmoreland to summon juries and perform other necessary duties. Mr. Justice Holroyd adjourned the assizes for three weeks, intending to hold them when the assizes at Lancaster were over. But at the end of that time no fresh deputation had been received from the new Earl by the late under-sheriff, and the result was, that as no session of oyer and terminer was held in that county for many months, the gaol remained undelivered, and no civil cause was tried. The High Sheriff of Westmoreland was not, like the Peers and Judges of the land, prevented from interfering in elections. In three elections he had given him (Lord Brougham) strenuous and powerful support; and yet his under-sheriff was the person entitled by law to judge on the legality of the votes tendered for him and his noble Friend and opponent, Lord Lowther. This was a state of things clearly objectionable. Neither of the parties who conceived themselves entitled to this honour opposed this Bill, and, such being the case, he gave it his cordial support.

LORD CAMPBELL supported the Bill. It was as inexpedient the office of hereditary high sheriff should be continued in England as it had been found to be in Scotland, where it had been abolished after the rebellion of 1745. He denied that the Bill inflicted injury on any individual.

Amendment negatived.

Bill passed.

LEASEHOLD TENURE OF LANDS (IRELAND) ACT AMENDMENT BILL.

LORD BEAUMONT, before moving the Committee on this Bill, would state the Amendments which he intended to propose, with a view to have them printed and discussed at a future stage. He hoped that their Lordships, in allowing this Bill to go into Committee, would afterwards take into consideration the fifth clause, giving compensation to the reversioner whenever he was obliged to part with his property.

The EARL of WICKLOW begged leave to remind their Lordships of the principle of the Bill as introduced by the Lord Chancellor. It was said that the Bill being intended to create a new species of property altogether—to change the property of leasehold tenures, renewable for life, into fee-simple property, the lessor being deprived of no right which he possessed, the benefit should be given to the

tenant. It was said that it was no injustice to deprive the landed proprietor of the benefits of this Amendment; but, on the other hand, it was argued with such force as to satisfy their Lordships that the tenant in possession was the person who was to derive the benefit. In that shape the Bill passed their Lordships' House, and in a subsequent stage an attempt was made to introduce a clause into the Bill, which was avowedly intended for the benefit of an individual. As soon as that was ascertained, it was determined that the clause should be persevered in. He had no objection to either principle being adopted, either the original principle that the tenant had a right, or that it were, as now intended by the noble Baron, that the proprietor should have the right. At least the Bill would be impartial in its effect. He should offer no opposition to the Bill, provided Ministers were prepared to abide by the change of principles.

The MARQUESS of WESTMEATH observed that a great deal might be said to make the Bill appear just, but he could not conceive it to be possible to make that just, which was in its essence unjust. The Bill was compulsory in its enactment to make a man dispose of a thing which belonged to him to another, for the price offered by the purchaser. A man might thus buy an estate, and sell it to-morrow for five times the price at which he had purchased it. He did not think that any one would get up and say that such a principle was to be admitted in any case whatsoever.

Some amendments made. Bill to be printed as amended.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 25, 1850.

AFFAIRS OF GREECE—FOREIGN POLICY —ADJOURNED DEBATE.

Order read for resuming Adjourned Debate.

MR. B. OSBORNE: Sir, I apprehend that no hon. Gentleman who has addressed himself to the consideration of this question can undervalue the importance of the discussion, or underrate the momentous character of the vote that he is about to give. In my mind this is not a discussion to be conducted on petty details. The question is not one to be discussed by means of elaborate

and ingenious selections from a blue book by a discontented lawyer. It is not a question which we are to look at merely with regard to the elaborate demands of M. Pacifico, the inadequate recompense of Mr. Finlay, or the tortures of Stelio Stumachi. These may be fit subjects for merriment and special pleading in another place, but I take it that the House of Commons has a different task to perform. The point, as it occurs to me, for our consideration is how far the international principles of our foreign policy are to be regulated according to the established mode of nations, and how far British commerce and British subjects are to be protected by the Government of this country. The real question at issue is not whether we shall express our approval of every act of the Foreign Minister, or whether we have any particular confidence in Her Majesty's present advisers. Sir, there is a higher and greater question for this House to decide. It is, whether our foreign policy is henceforth to be regulated according to the ideas of the Minister of a foreign State. We have to consider, Sir, whether the Foreign Secretary of this country is to merge into a placid and compliant tool—a mere automaton, whose hand is directed, and whose moves are made, by the wily and unseen influence of a foreign prompter. We are not merely called upon to give a vote of confidence in Her Majesty's Ministers; we are called upon to maintain the honour and independence, and, I will add, the glory of Great Britain. And, Sir, before I advert to other subjects in debate, I must take the liberty of expressing my surprise that this question has been allowed to be brought forward in its present shape by an independent Member of Parliament, who, so far from having any substantial claims upon the Government, as has been insinuated by an hon. Gentleman of his own profession, has always acted an independent, and, as I think, a meritorious part in this House. Why, I ask, has it been left in the hands of that hon. and learned Gentleman to bring forward this Motion of confidence, as it has been called? I had anticipated, when that vote was come to, that decisive vote, as I will call it, in another place, that same hon. Gentlemen connected with the party who for years have been sedulously reviling and calumniating the noble Lord the Secretary for Foreign Affairs, with all the ingenuity of cunning sharpened by all the pertinacity of revenge—I did expect that those hon. Gen-

tllemen would not have been content with the embarrassing of the Government by a simple vote of censure in another place. I did not expect that that party would have paused upon the threshold of this House, and, like well-bred spaniels—

“civilly delight

In barking at the game they dare not bite.”

I did expect that some one among that party would have come forward boldly before this House, prepared with a vote of censure on the noble Lord; that they would have arraigned him in the House of Commons, and in the presence of his colleagues, and heard what defence the noble Lord had to offer on the occasion. Sir, we have been doomed to be disappointed in this respect. Certain hon. Gentlemen have, like the knight in the play, deemed “discretion” to be “the better part of valour.” They have been “willing to wound,” but “afraid to strike;” and it has been left to the independent exertions of my hon. and learned Friend the Member for Sheffield to test the opinions of this House, not with reference to Her Majesty’s Ministers alone, but with regard to the foreign policy of the noble Lord. Sir, I listened with amazement to the sentiments uttered by an hon. and learned Gentleman, whom I suppose I shall live to see a Judge in this land; I refer to the hon. and learned Member for Abingdon. What did that hon. and learned Member tell this House? He said that for years he had disliked the foreign policy of the Government, and that he thought it not only calculated to embroil us with foreign nations, but to imperil the peace of the world. He told us this last night; but what has been the conduct of the hon. and learned Gentleman? For four years he has been content to sit upon those benches without ever raising his voice against the foreign policy of the Government; and we saw last night that he is a Gentleman who has fed upon blue books till they have become a part of his system. He, at least, has no excuse for not knowing what these voluminous despatches contain. But, Sir, what are we to think of the hon. and learned Gentleman—a candidate for the bench—who comes forward at the eleventh hour, when he thinks the Ministry is expiring, and kicks up his heels in the face of the noble Lord the Secretary of State for Foreign Affairs? But, Sir, there is another Member of this House, for whom personally I entertain great feelings of regard, and, in his private capacity, a feeling of respect. But these are times when

matters must not be blinked; these are times when men must speak out and express their opinion on the conduct of public characters; these are times when a Ministry is in its throes, and when we know not what or who is to follow. Sir, the right hon. Gentleman the Member for Ripon presented himself to our notice last night, as he told us, with great reluctance; but I must own that I could not discover either from the manner or the matter of his speech that he possessed any reluctance. I think I am justified in saying that that speech was characterised by a quality which is ascribed to Lady Sneerwell in *The School for Scandal*, by that “delicacy of tint and mellowness of sneer” which is the distinguishing mark of the political scandal of the right hon. Gentleman. And, Sir, I could not help being reminded when he precluded his speech with compliments, and with the expression of his feelings of friendship for the noble Lord, I could not help being reminded of some of those enormous and mighty animals of the deserts of South America, those large serpents which are said to embroider their victims with their saliva before they make a meal upon their bodies. The right hon. Baronet talked of his friendship for the noble Lord; but I own it struck me, and it occurred to many people besides me, that he was exemplifying the truth of the remark of Rouchefoucault, “There is something agreeable to us, or not disagreeable, in the misfortunes of our best friends.” I had always been in the habit of supposing that the right hon. Baronet, perched on the third bench opposite, was looked upon as a sort of guardian angel of Her Majesty’s Minister; that he was, in fact—

“The sweet little cherub that sits up aloft
To take care of the life of poor Jack.”

But, Sir, what has been the conduct of the right hon. Baronet? Not content with criticising the Greek affair, it appears that he has always dissented from the policy of the noble Lord the Secretary for Foreign Affairs. Well, if so, he has pursued rather an extraordinary course in this House. It cannot have been for want of opportunity. The right hon. Gentleman is always on his perch; he was in the House even when an hon. Gentleman, to whom, though I do not agree with him, I give the fullest credit for honesty, candour, and openness—I mean the hon. Member for Stafford—moved his monster impeachment. The right hon. Gentleman has taken a great part of his speech from that of the hon.

Member; the mantle of the hon. Member for Stafford has fallen on the right hon. Member for Ripon; but on that occasion he was sneeringly silent. But, Sir, he dissents from the Spanish policy of the noble Lord. His conduct in reference to that question has been equally extraordinary. In June, 1848, the hon. Member for Dorsetshire, who is an open and candid foe, and does not support people for four years to kick them in the fifth, brought forward a Motion in this House deprecating the whole course of our policy in Spain, especially as regarded the interference which was alluded to by the right hon. Gentleman the Member for Ripon. What was the course of the right hon. Baronet on that occasion? Why, though another right hon. Baronet, whose politics have always been, I think, at best of a see-saw description—I refer to the right hon. Baronet the Member for Tamworth—though that right hon. Baronet “damned with faint praise” on that occasion, and said that he would pass to the resolution before the House, that excellent supporter of Her Majesty’s Government, the right hon. Baronet the Member for Ripon, was silently content. But I will go further. The right hon. Baronet, while passing in review the foreign policy which has been pursued all over the world, said, “See what you have done by your foreign policy in Portugal; Costa Cabral is enshrined in authority at Lisbon.” Why did not the right hon. Baronet see that in the year 1848? On the 11th of June, 1848, the hon. Member for Montrose brought forward a distinct Motion deprecating our interference in Portugal. I supported that Motion; but am I, because I supported that Motion two years ago, to come down to the House now, and, raking up the past, to tell the noble Lord the Foreign Secretary that I have always been his supporter, and that now I will damn him for his virtues, which the right hon. Gentleman refused to do for his vices? I am no slavish admirer of the noble Lord; there are several points in his policy of which I disapprove; but, on the whole, I think he is a great and noble Foreign Minister, and one who, under all circumstances, is an honour to England. But what was the course pursued on the occasion in question by the right hon. Baronet the Member for Ripon; for I will not run away from that question. On that occasion, I well remember, there were three nights’ debate in this House on the expedition to Portugal. Hon. Gentlemen opposite were, as

they have always been, direct and open foes of the Government; they are honourable opponents, and as such I respect them. But what did the right hon. Baronet do? There were, as I said, three nights’ debate. By some misfortune Dr. Bowring, of whom I would speak with great respect, happened to address the House. The night was hot; the papers which Dr. Bowring brought with him were voluminous; Dr. Bowring spoke in the style in which the hon. and learned Member for Abingdon addressed the House last night; and the House was counted out. But a most remarkable debate ensued. The right hon. Member for Ripon was accused of having connived at the counting out. Well, Sir, he defended himself in terms very similar to those which I have just used; but he added—and this was remarkable—as if by way of giving a finishing stroke to the discussion, “As regards the Portuguese question, I conscientiously, thoroughly, and entirely approve of the policy of Her Majesty’s Government, and had I been present in my place I should have given my honest vote in support of Her Majesty’s Ministers.” And yet, Sir, we find the right hon. Gentleman, two years after, coming down to the House, of course with great reluctance—these things are always done with great reluctance against our particular friends—and I must say the right hon. Gentleman has had both a great many friends and a great many colleagues—we now find him, I say, coming down to the House, and saying at the eleventh hour, “I think you, Lord Palmerston, an excellent man and a kind friend, and a good Christian, but you are a dangerous Foreign Minister, and must be got rid of.” Well, Sir, I say nothing with regard to the candour of the right hon. Baronet in pursuing such a course. I leave that to a discriminating public. This will probably be thought, after the long experience of the right hon. Baronet, pure Parliamentary tactics; possibly it may thought a good party move; but I do say that the public out of doors, who love fair play rather than faction, and who are indifferent to the intrigues of particular persons, will consider the treatment of the noble Lord on this occasion as savouring rather of the Jesuitical evasions of Muscovite chicanery. [“Oh, oh!”] I repeat it, there must be speaking out on this question, and, if you can deny it, do so. I repeat, that the public will see in this the Jesuitical evasions of Muscovite chicanery, rather than

open, honest, candid conflict in English political warfare. Now, the right hon. Baronet went into various points; and, considering his great reluctance, I am surprised that he should have quoted the pamphlet that he did. I should have thought that his particular friendship for the noble Lord would have led him to inquire whether the alleged facts were true before quoting them. He quoted a pamphlet of the Duke of Broglie's son-in-law with regard to the Swiss intervention. Well, now, we all know that that pamphlet contains not only one untruth, but many untruths. He also referred to other subjects—to the stress of weather under which the fleet in the Dardanelles was compelled to go into Besica Bay—and he adverted to a despatch of Prince Metternich. I am content to leave these two facts to be answered by the noble Lord the Secretary of Foreign Affairs; and if he do not dispose of them as easily as I think the conduct of the right hon. Member for Ripon is to be disposed of, I should almost be content, in this division, to go into the same lobby with the right hon. Baronet. But this I do say, in the present state of parties in England, that if the liberal party are caught by stray waifs thrown out—at one time about the Irish Church, at another, hints of founding the electoral franchise on the broadest possible basis; while, on another night, they contentedly listen to such despotic sentiments as the “imperative necessity of Russian interference” in Hungary, and are patient, while the tyrannical act of the Northern Despot, in sending his aid-de-camp to demand a few wretched Hungarians from Turkey, is gently salved over as “rather a harsh proceeding,” I say, that if they are caught by such baits into acquiescence in such sentiments, they are no longer fit to be called the liberal party of this country. But I go further, and say, that if this country is to permit a man to remain silent for four years, and then to come down in the eleventh hour and denounce the Minister whom he had been all that time supporting, there is no man more fitted to be at the head of its affairs than the right hon. Member for Ripon. I have said thus much, because it is rumoured abroad that, like Cælebs, the right hon. Baronet is at this moment in search of a party. If the right hon. Baronet could be candid—if he could know his own mind—I see many things about him to admire. His talents for business, his administrative capacity,

are first rate; but there is a screw loose somewhere, and assuredly a great party is not to be conciliated by such conduct—conduct which, I think, has not elevated the right hon. Baronet either in public opinion, or in the opinion of this House. It is not my intention to roam over the whole state of our foreign affairs. I do not pretend to such knowledge as would take me from Siberia to Afghanistan. I have been—unlike the right hon. Baronet—content with the two volumes recently produced, and which are in themselves, I can assure the House, sufficiently heavy work in this hot weather. I am not about to disinter a whole host of blue books, going over the last four years; but I must say, with regard to this contemptible discussion with the pinchbeck Monarchy of Greece, that, in my opinion, the original sin lay in ever setting up such a Monarchy. I entirely dissent from that act—it was not the act of the noble Lord—from the policy of setting up a Russian puppet in the Levant. I do so on other grounds than its being merely a puppet of Russia. I look upon that act as a breach of our absolute engagements with Turkey; because it ought to be recollected, that at the Congress of Verona they not only refused to receive the Greek Deputies, but Lord Strangford, our Ambassador at Constantinople, was deputed to make the following communication to the Turkish Government; and this is important and worthy the attention of the House, because I believe in such a thing as retributive justice. Lord Strangford said—

“The Congress of Verona recognises the Greek question as one belonging to the internal affairs of the Porte, in which no foreign Power ought to intermeddle.”

What did the foreign Powers do after? They directly violated the assurance given at congress, and hastened to indulge in a Quixotic attempt to improvise a free constitution in a country which was totally unfit either to work or appreciate it. On this point the evidence of Count Bulgaria is conclusive. He says—

“Greece does not contain among its most influential class either the virtues or knowledge upon which well-organised societies generally depend. As long as liberal institutions are neither consecrated by the moral habits of the people, nor by time, it must be confessed that the allied courts would destroy with one hand the work they have founded with the other if they attempted to establish in Greece an order of things the danger and absurdity of which are demonstrated by the immorality and ignorance of the higher orders of this country.”

Now, that evidence was laid before Parliament in 1830. But he was not alone in his opinion. The French Admiral, De Rigny, spoke to nearly the same effect. He said—

“One is often lost in the labyrinth of Grecian pretensions and bad faith. It is impossible to have an idea of what these Greeks are. One must serve them in spite of themselves. It is necessary to leave some of them whose lives depend upon plunder some corner to carry it on in, without obliging us to go there to set it right.”

This is the account of the French Admiral, and it is confirmed by what was said by the French Consul relative to the outrage on the six Ionians. His observations were :—

“It is useless to attempt to disguise the fact: there no longer exists in these parts even the slightest security for life or property, and, unless some very vigorous measures are speedily adopted by the Government, we shall most certainly see much worse happen than anything which has hitherto been reported.”

Such are the descriptions given by competent authorities of the amiable race to whom we have given a Monarch, in our fancy for setting up constitutional governments in the Levant. What has been the consequence? We are now obliged to correct the spoiled child of our adoption; and what has happened? We gave the character of injured innocence to this contemptible Sovereignty of Greece. We have actually given a character to her rulers, to that Minister who almost realises the description of Juvenal—

“*Ingenium velox, audacia perdit, sermo Promptus*”—

to those Ministers whose whole principle and motto seem to be—

“Base is the State that pays.”

Surely there is no gain to civilisation in such a state of things. Now, I am very far from attempting to deny, in contemplating the transactions which have given rise to this Motion, that it was Mr. Finlay's own fault that he settled in the Piræus, or that Sumachi was tortured with a refinement of cruelty which the noble Lord the Secretary for Foreign Affairs had properly characterised; but that does not alter the argument. It is in vain to quote Vattel, or to cite imaginary cases. I want to know what the House would recommend a Foreign Minister to do, when British subjects are plundered, imprisoned, and tortured, when redress is first postponed, then refused, and at last put off to that imaginary period the Greek Kalends. It is very well for a noble Lord in another place to raise

a paltry laugh at the inventory of the plundered man's effects. But how would the noble Lord himself like, if his own house had been ransacked, to have the inventory of his daughter's wardrobe shown up before the public to raise a laugh at his expense? It is true that the noble Lord voted against the Jews' Bill, and M. Pacifico is a Jew; but although he is a Jew, I am not aware that there is any law shutting him out from protection for his person and property. What is the real fact about M. Pacifico? It is carefully kept out of the blue books; but the truth is, that M. Pacifico had sold land to King Otho, for which he only received at first part payment. His having pressed for the remainder was the great ground of offence. M. Pacifico is a poor man, and must suffer. I do not know that Otho is a rich man; but he is a king, and there are great allowances made, especially in another place, for great men. But it has been endeavoured to prove, in connexion with this case, that M. Pacifico had no house at all, but a mud cabin; and several ingenious arguments have been founded on the structure of his house, as if the outrageous violation of a man's house was to be palliated by the craziness of its structure. Such, however, is not the fact as regards M. Pacifico's house. The house which has been represented as a mud cabin was a good three-story house. [Mr. B. COCHRANE: No, no!] The hon. Member will excuse me, he has been in Greece, and is aware that it is built in Constantinople style, and that it is the house in which the chief of the Councils of Regency, Count Armandsparg, lived; and moreover that King Otho, when he came first to Greece, did not think it beneath his dignity to perform in it the part for which he is best qualified, by dancing in it at a *fête* given by Count Armandsparg. It has also been said, why did not Mr. Finlay apply to the Greek courts; and the hon. and learned Member for Abingdon shook his head, and that other right hon. Member, the great reformer of the day, the right hon. Member for the University of Oxford, also shook his head, as if Mr. Finlay had committed a fatal error by not applying to the Greek courts. Is the right hon. Gentleman aware what these Greek courts are?—is he aware that the judges are removable at the King's caprice? Is he aware that the President of the Areopagus, the highest court in that miserable kingdom, was dismissed by the King in 1847, and that

the gentleman so dismissed was a man distinguished for his ability and unblemished honour? Talk of going to Greek courts for redress! The right hon. Gentleman must have forgotten his Greek—he must be totally ignorant of the constitution and practices of the so-called Greek Government. I am not going to drag the House through a waste of blue books with regard to Mr. Finlay's case, or to treat it as a case at *nisi prius*, a danger which I think the right hon. Baronet the Member for Ripon did not altogether avoid. But I think I may apply to it the words of a great authority, that no subject, however humble, can receive an insult in this country without the State itself feeling insulted. We do not stop to analyse the character or religion of the injured person. It is sufficient for us to know that he has been robbed and plundered, and that as an Englishman he is entitled to the protection of his flag. The right hon. Baronet the Member for Ripon did not think fit to allude to the cases quoted by my hon. and learned Friend the Member for Sheffield, although the latter clearly demonstrated that the French have, in many instances, protected their subjects with a much higher hand in various quarters of the globe. In Portugal, in 1831, they required not only that the magistrates should be dismissed, but that all the French subjects engaged in the political troubles should be indemnified. My hon. and learned Friend cited many cases, but there was one occurring so late as 1848, when, during the insurrection in Naples, certain French subjects suffered. The French Government made a demand, and the persons interested were fully indemnified. If it had been refused, the French would have taken a different course from ours; but because we have in this country a strong aristocratic party, who are always afraid of any liberal man being in office, both the energies of the country and the liberal tendencies of the noble Lord are crippled by the dead weight of that party. I wish the House to know, and fairly to ask itself, why and wherefore this inveterate and envenomed hostility to the noble Lord the Secretary for Foreign Affairs? Have they not a shade of suspicion that it is because he is identified on the continent of Europe with responsible government and the advance of liberal opinions? I would take upon myself to say, that had the noble Lord interfered in favour of despotism—had he been praised

by Metternich, or by the Russian Minister—had he intercepted the letters of their subjects—had he given up certain of their ill-advised subjects to an ignominious death through the agency of their letters opened in this country—had he done all this, the acts which are now so maligned, would have been the theme of praise from the whole band of his calumniators. The noble Lord has not done so, but the noble Lord has been guilty of a great crime. There are many counts in the indictment against the noble Member for Tiverton, and I'll tell the noble Lord and the House what they are. The noble Lord always advocated and supported constitutional government in Spain. The noble Lord was guilty of sympathising with Italian liberty. The noble Lord dissented from Russian "indispensable" interference in Hungary. The noble Lord recognised the Republic of France. These are grave charges in the eyes of those who would make Haynau a hero, and Nicholas a demigod. The mere question of Greece is a paltry pretence. It is in Greece that the Northern Archimedes wishes to rest his lever, by means of which he hopes to push back prosperity and liberty in the western world. To this end the noble Lord is to be sacrificed; but if he is to be sacrificed, I believe that you will light a flame in this country which will take all the plausibility of the right hon. Member for Tamworth, with the able assistance of the right hon. Member for Ripon, to prevent its having dangerous effects. I have said that Greece is a pretext, and I solemnly believe that a wide-spread conspiracy has been organised to ruin the noble Lord—a conspiracy in which ex-Kings and ex-Ministers, Kings without crowns, and Ministers without places, have joined with Ministers with places, but, I had almost said, without characters. This conspiracy has its ramifications in various quarters, not only in the saloons of Paris, but in the boudoirs of London. It would seem as if the days of the Fronde were about to be revived, for there are ladies in it who, emulating the Duchess de Longueville, have acquired a violent taste for politics as well as fashion, and are all things to all men. These parties intrigue against the noble Lord as if he were another Mazarin, and hate him because he is the representative, in the eyes of Europe, of liberal opinions. Nor is what is technically called another place quite free from these influences. Of what use is it to make a separate gallery for

foreign diplomatists when their sentiments are expounded under English exteriors? When we hear men who have been Ministers, and expect to be so again, explain the rights of Englishmen as they have done, of what use setting a gallery apart for foreign diplomatists? Why, they are on the floor of that House, where they—

“Explain their country's dear-bought rights away, And plead for pirates in the face of day.”

I ask you, will you permit the noble Lord to be put down by such means, by letters from “our own correspondent,” who, in company with Russian and French agents, has been decorated—I should have said degraded—with the Greek order of our Saviour for his services in writing letters to the *Times*? [“Order!”] He has been so decorated, but I am delighted to hear that old General Church has declared that he never will wear his decoration again in consequence of such degradation. I suppose he considers now that, instead of the order of our Saviour, it should be called the order of Judas Iscariot. I think that any man who has put his hand to such letters, betraying the interests of his own country, and humbling England in the sight of the world, is unworthy of either respect or honour. But I would have the House to reflect on the consequence of the vote they are about to give. Before the consequence of that vote, the Greek question sinks into utter insignificance. It is not that we are about to vote confidence in the Ministry, or in the character of our Minister for Foreign Affairs; in my opinion we have far greater subjects to consider. We have heard nothing of the commerce of the country. I say nothing about what may be deemed a mere rhetorical claptrap, the honour of our flag; but I would have hon. Gentlemen to reflect before they vote a reversal of our foreign policy. We who have ships in every sea, and merchants at every port, what will be their situation, if you vote a reversal of that policy which has hitherto upheld them? Reverse the foreign policy of this country, and your commerce is crippled, and, as I conscientiously believe, the progress of civilisation retarded. There is not a petty despot who will not peep from his hole and rejoice, not in the humiliation of the noble Lord, but in the humiliation of Great Britain. And I would address hon. Gentlemen who represent one real party in this country, and warn them of the consequences of their vote. Of course they will vote against the noble Lord, but

let them contemplate the consequences of their vote. Have they forgotten how they were treated before? Are they desirous that—

“For Banquo's issue have I filed my mind—
For them the gracious Duncan have I murdered.”

They may rest satisfied that the country is not yet ripe for them. But I say, for one, that I would sooner see that party in power than that of the right hon. Baronet. I know what their measures are, but I cannot trust or confide in the party headed by the right hon. Member for Tamworth. I can trust to no party who, having supported the Government four years, turn round upon them in the fifth, when they think that Government is in the agonies of death, in the hope of mounting to fame, perchance to place, on their dead bodies. But I hear, Sir, there are men on this side of the House who scruple to support this Motion. I can scarcely understand how that is possible. I cannot understand men who call themselves liberal, who take the map of Europe in their hands, and consider the nature of our relations with every country, having any scruple about the vote they shall give on this question. I can understand that men who look mainly at the interest of some particular town or locality, and no farther, may entertain doubts; but how the representative of great interests can have any doubt as to the vote he should give on this occasion, I cannot conceive. I think war may be a great calamity; but there are greater calamities than even war; and one greater calamity would be to see this country truckle to the schemes of Austrian absolutism, or the genius of Cossack domination. And sure I am that any man on this side of the House voting against the hon. and learned Member for Sheffield, will do much to advance Cossack domination. For my own part I have criticised, at the proper period, the policy of the noble Lord the Secretary of State for Foreign Affairs. With regard to Portugal in 1847, I thought the noble Lord wrong in that policy at the time, and think so still; but I will give no half-pace fellowship to this Motion. I cannot stop to criticise an unguarded or imprudent word here or there, when I see the interest of England at stake; and, Sir, I shall therefore support the Motion of the hon. and learned Member for Sheffield with pride and with pleasure.

LORD J. MANNERS thanked the hon. and gallant Gentlemen for the disinterested

advice which he had addressed to the party with which he (Lord J. Manners) had the honour to be connected; but he feared the hon. and gallant Member would not have the gratification of finding it followed. He and his Friends found it impossible to share in the apprehension of Cossack domination, which seemed so much to disturb the hon. and gallant Member's mind. If, however, Cossack domination were likely to prevail, it would arise from the English Government continuing to pursue that line of policy which the noble Lord the Foreign Secretary had chalked out—a line of policy which he was convinced did not tend to maintain the glory of this country, or to promote the peace of the world, and one against which he was therefore prepared most conscientiously to register his vote. The House had been invited by the Mover of the Motion before them to declare that the foreign policy of the Government was calculated to secure the honour and dignity of the Crown, and would conduce to the maintenance of general peace. He was prepared to deny both of these propositions. He could not think that the true way to maintain untarnished the honour and dignity of the Crown was, first to refuse the mediation of a powerful State, and then to submit to all which that State demanded. Nor did he believe that it was conducive in any respect to the promotion of our national interests, to follow at the same time the dictates of absolute Russia and Republican France. They had heard a great deal about the duty and the determination of the noble Lord the Foreign Secretary to protect all British subjects against the insults and the aggressions of all foreign nations. Did the noble Lord put these principles into action for the protection of a British subject, when a poor negro sailor was subjected to the most atrocious tyranny at the hands of the officials of the United States of America? He wondered that, when the hon. and learned Member for Sheffield referred to America, that the word did not blister his tongue. Why, it was not two months ago when the noble Lord the Foreign Secretary declared in this House that he could not, nor would not, protect the subjects of England against the tyranny of an American State. Here was the case of a man who contemplated no crime, was charged with no crime, and yet was seized out of a vessel sailing under the glorious badge of England. He was treated as a common malefactor, and

thrown into the common gaol of a seaport town in America. And this, too, was it pretended to be an unprecedented and solitary event, which never occurred before, and never might occur again? Not at all. The truth was, that the reverse was the case; but the noble Lord stated that, inasmuch as that English subject had suffered only from the municipal law of one particular State, all English subjects of the description in question must henceforth continue to be, as they had hitherto remained, liable to unjust and cruel imprisonment. But was it only from republican America that the noble Lord was content to put up with such indignities? They had been told that part of the odium which the noble Lord had incurred was to be attributed to his ready acceptance of the French Republic. Why, no sooner had that republic been established, than a quiet and industrious body of English subjects resident there had been despoiled of their goods, forcibly expelled from their homes, and forced penniless and friendless to this country, to solicit, and to solicit in vain, for justice at the hands of this Government, against the French Republic. Did the noble Lord, on that occasion, make use of his power—of his fleets? No, there was a subscription—the sufferers were sent to the Antipodes; and yet, in the face of such instances as these, they were told that the policy of the noble Lord was, to secure universally the rights of the English people in foreign countries, and to maintain untarnished the honour of the British flag. But the vote to which the hon. and learned Member for Sheffield wished the House to come, was based upon the assumption that it would reply to the vote on the other side, already pronounced in another place. He would be allowed to ask, whether, narrowed to this simple point, they could say that the policy of Government, so far as Greece was concerned, was conducive to the maintenance of peace, or to the preservation untarnished of the honour and dignity of the Crown? He denied both propositions. He did not think that the result of the Greek business was such as to enable the House to congratulate themselves upon it; and he did not think that the method taken to obtain justice for English subjects was the course calculated to raise England in the eyes of the world. But they were told that the quarrel with France originated in accidental circumstances. What were these? They would be found to be two: first, the

delay which characterised the proceedings of the noble Lord at a critical point; and, secondly, the somewhat incomprehensible perversity with which Mr. Wyse declined to accept the original proposition of the French Envoy at Athens. It was a curious coincidence, that a delay of ten days should twice prove so fatal to the policy of the noble Lord. In 1847, the French Government, for the purpose of preventing an unfortunate civil war in Switzerland, proposed, on the 6th of November, to have recourse to the mediation of the noble Lord. Of that proposal no notice was taken for ten clear days—that delay causing the fall of Lucerne, and all the proscriptions and atrocities which followed it. The same thing was, as he hinted, repeated in 1850. In April last, the noble Lord again suffered ten days to elapse between the receipt of the proposition made by the French Ambassador and the answer given to it; and the result was, the ultimate rejection of the friendly offices of France, the outrages committed in Greece, the disturbances of our relations with the Great Powers of Eastern Europe, and the quarrel with the French Republic. He had stated that the second accidental cause of the present state of things was the incomprehensible pertinacity with which Mr. Wyse declined to accede to the proposal of the French Minister at Athens. He had carefully examined the despatches upon this part of the subject, and he thought that he had discovered a clue to Mr. Wyse's conduct. All through the negotiations Mr. Wyse appeared to be averse or afraid to allow the matter to be transferred for settlement from Athens to Paris or London. He believed that this feeling was at the root of Mr. Wyse's unwillingness to receive Baron Gros' propositions; and the policy which caused this feeling was crowned with success—for French mediation was thereby frustrated. No reference was made to London or Paris, and Mr. Wyse had the honour of terminating the affair himself—the outrage upon Greece was committed, and the noble Lord at the head of the Government had an opportunity of declaring that his Colleague was not the Minister of France. Well, he admitted that the noble Lord was not the Minister of France; but if he were, he could have done nothing more calculated to extend French influence in the Mediterranean than that which he had performed; while as to Russia—he put it to any Gentleman on either side of the House, whether any line of policy could

be better suited to promote the extension of Russian influence in the East, than that course which the noble Lord had actually adopted? But was it only those who ordinarily dissented from the policy of the noble Lord who took this view of the present case? There was a remarkable passage in one of Mr. Wyse's despatches, which ought to teach Gentlemen opposite that Cossack domination was far from being opposed by the behaviour of the noble Lord. Mr. Wyse, writing to the noble Lord, said—

“Greece must seek another support more conformable to her real objects and interests than England. The time is fast approaching when Greece must look towards Constantinople, and the natural leader to such an object is Russia, and not England.”

That was the natural view to adopt, and he could not doubt but that the most sedulous efforts would be made to spread and foster that opinion in the minds of the people of Greece. After what had been said of the cruelties perpetrated upon two Ionians, the House would hardly be prepared to learn that the claims for reparation and compensation for these alleged cruelties, formed no portion of the demand against Greece. But the fact was that these Ionian tradesmen, with their wrongs, had been introduced simply in order to excite a sympathy and prepare the way for monstrous and exaggerated claims which were really put in. There was one point connected with this Greek business, however, which he did not think had been sufficiently touched upon; but when they were told that the policy of the noble Lord tended to promote the peace of the world, they ought not to pass over without mature examination that conduct in relation to the seizure of the islands of Cervi and Sapienza. What were the facts relating to our claims upon these islands? For several years no mention of our alleged rights had been made. The Greek authority had been established in both islands. In September, 1849, however, Admiral Parker was ordered to proceed thither at once, to dispossess the Greek officials, and to take possession, in Her Majesty's name, of the islands in question, no intimation of this order having been conveyed to either of the two protesting Powers, France or Russia. The fleet accordingly sailed, but that magnificent demonstration against Cossack domination failed, in consequence either of Admiral Parker not having time to perform, or in consequence of his forgetting,

at the last moment, the orders of the noble Lord. The fact was, that Admiral Parker and Mr. Wyse had the wisdom and the prudence to determine upon suspending these orders, which, had they been acted upon, would, in all probability, have led to a European war. In the meantime, angry despatches were sent from St. Petersburg. They produced their due effect upon the noble Lord; and after their receipt, nothing could be more conciliatory than the representations which our Minister in Russia was charged to make to the Sovereign to whom he was accredited. Lord Bloomfield was told to assure Count Nesselrode that Her Majesty's Government was ready to listen to any arguments by which it could be shown that these islands belonged to Greece before any steps were taken to seize them. But if it was right in Her Majesty's Government to listen attentively to any argument which the Greek Government might allege in favour of their claim to these islands, let him ask how was it that the same attentive consideration was not given to these arguments before orders to seize these islands were sent out, and before the note of Count Nesselrode, couched in such vehement language, was received? Mr. Wyse, carrying out the now pacific policy of the noble Lord, assured M. Persiani, the Russian Minister at Athens, that Russian rights would be respected, and that no decision would be taken on the subject of this territorial question till she was made acquainted with it. But this declaration—this assurance to M. Persiani—was given to that diplomatist six months after positive orders had been issued to Admiral Parker to take possession of these islands. After what passed last night on the subject of Switzerland, it was with great difficulty that he ventured to say anything on that subject. Awaiting the explanation which the noble Lord would no doubt give, he would say nothing more on the subject to which these explanations would have immediate reference, than to point out, by way of illustration of the manner in which the Greek business was conducted, the unfortunate and unhappy delay which the noble Lord was the occasion of in 1847, when France offered her mediation, together with England, Austria, and Prussia, to prevent the civil war that was then on the eve of breaking out in Switzerland. The House would remember that ten days elapsed before the noble Lord would acknowledge the receipt of that offer of mediation; and when he did

acknowledge it, ten days more were consumed in starting difficulties and in suggesting alterations in the terms. At last the noble Lord signed the note, and sent it to Mr. Peel, to be presented to the Diet at Lucerne. Now, upon this subject the hon. and gallant Member for Middlesex told them that the publication of M. d'Haussonville contained many untruths. That might be so, or it might not. He wished that the hon. and gallant Member had given instances, or had given the authorities on which he spoke. But, in addition to the remarkable passage which the right hon. Baronet the Member for Ripon quoted last night, they learned from M. Bois le Compte, that he had a communication with Mr. Peel on the subject of the note, and that Mr. Peel told him if he could show him the despatch of Lord Palmerston he would think, like him, that he had no choice—that he could not consent to show the note he had received—that he would rather resign than do so. Pending the explanation which he expected the noble Lord to give of these extraordinary statements, he would say nothing more on that subject; but giving the noble Lord credit for the purest intentions to preserve the peace of Switzerland, and in preventing a dominant and a tyrant majority from overbearing and violating the rights of a noble minority—giving the noble Lord credit for all this, still he would say that, finding in two remarkable instances the delay of the noble Lord had operated with so much ill—so much injustice—and, in the case of Switzerland, with so much cruelty and oppression—he did not think that our foreign policy, conducted in such a manner, was a policy conducive to the honour and dignity of England, or calculated to promote the peace of the world. Let it never be forgotten that in Switzerland occurred the first blaze, which soon afterwards spread over the whole of Europe. Let it never be forgotten that the French Government appealed to the noble Lord long before he so tardily accepted their proposals of mediation; and when Berlin and Vienna lost no time in acceding to the proposals of France, it was the noble Lord who caused the delay which ended so disastrously for Switzerland. He knew some persons persons said that the majority in Switzerland was a liberal majority, and he supposed the hon. and gallant Member for Middlesex would defend the actions of that liberal majority. If it were true that the great object of an

English Foreign Minister was to set up liberal institutions abroad, and to promote the spread of free institutions, let him ask had the result in Switzerland—had the result in Italy—had the result anywhere been such as to cause the hon. and gallant Member to rejoice in the policy he had espoused? In Switzerland the first acts of this triumphant and tyrannical majority were of so atrocious a nature as to call for the decided remonstrances of that able, experienced, and veteran diplomatist who was sent out by the noble Lord to succeed Mr. Peel—he meant Sir Stratford Canning—and to induce him to say, in writing to the noble Lord, that he found his advice disregarded and his position untenable; that some Members of the Government perhaps meant well, but that the others were entirely under the domination of the clubs. Proscription followed proscription. The Sisters of Charity, whose lives were devoted to the benefit and the consolation of their fellow-creatures, were brutally and ignominiously turned out of their homes. The independent rights of sovereign cantons, which the noble Lord was the first to vindicate in 1832, were violated and set at naught. The monks of St. Bernard, against whom no man had written a word of complaint—men who had devoted their lives to save the lives of their fellow-creatures—these men were persecuted and driven from their country; and that was the manner in which liberal principles were promoted, in which free institutions were established, in which the right of private judgment was encouraged by this triumphant liberal tyranny. But the noble Lord in declining in the first instance the friendly offers of France for a mediation for the purpose of preventing a civil war in Switzerland, alluded to the great difficulty which the English Court invariably found when it endeavoured to interfere in the affairs of foreign countries. He knew not how far that might be the case in Switzerland; but he did think if hon. Gentlemen turned their eyes across the Alps, they would discover that the noble Lord had experienced no great or insurmountable difficulty in interfering in the affairs of the countries there. Whatever the House might think of the noble Lord's partial and most uncalled-for interference in the affairs of Austria and Naples, he would do the noble Lord the justice to say that he was zealously and ably backed up by his agents in Turin and elsewhere. Throughout the voluminous blue books

which had been published on the Sardinian affairs, hon. Gentlemen would hardly be able to lay their hands on one despatch of Mr. Abercromby, in which they would not find the tone of a keen and determined partisan—of a man anxious and willing to do everything in his power to secure a triumph to the cause of an unjust invasion of a neighbouring territory by Charles Albert of Sardinia. The noble Lord at first declared, indeed, that he wished to act the part of a calm spectator; and when Lord Ponsonby wrote to him from Vienna, stating that the affairs of Austria were involved in great, and he feared insurmountable, difficulties, and suggesting that English mediation might be successful in saving the Austrian empire, and in preserving the peace of Europe, the noble Lord said that till he was called on by both the contending parties, England would maintain a strict and rigid neutrality. But when they turned to the despatches of Mr. Abercromby, did they find anything like strict impartiality preserved in them? They were told by the noble Lord that he did not wish to separate Austria from her Lombardian territories; but they found Mr. Abercromby sitting peaceably at Turin, whilst the Sardinian Chamber was discussing the annexation—yes, annexation was the phrase—of Lombardy to Sardinia; and he found that Mr. Abercromby did nothing whatever in the way of remonstrance. Oh, but then they were told that Mr. Abercromby was ordered to remonstrate against the proposed invasion of Austrian Lombardy by Sardinia—and that Lord Minto was told to warn the King of Sardinia that England would highly disapprove of his conduct. But he found Mr. Abercromby, long after the invasion took place, with his eyes shut to the rights of Austrians, so long as their opponents seemed on the eve of triumphing—he found Mr. Abercromby writing in the coolest manner, and giving the most minute detail of the debates in the Chamber at Turin respecting the annexation of Lombardy, and writing to the noble Lord that he was happy to inform him that, after an animated debate, the question of annexation was finally settled by an affirmative vote of 127 to 7. Where was his remonstrance against the unheard-of injustice of this proceeding? Was Mr. Abercromby ordered to leave Turin within 24 hours? Was the English fleet ordered to blockade Genoa, in order to secure a diversion in favour of our ancient ally? No such

thing. Throughout the debate the same language was preserved; and when they found the reverses of the invader occurred, they found Mr. Abercromby writing—not that he was happy to say that the cause of our ally was triumphant, and that the invaders had met with a merited chastisement, but that it was with regret he had to announce that the Sardinian troops were compelled to retreat to the banks of the Oglio. And when the noble Lord received that intelligence, he directed Mr. Abercromby to proceed to Alessandria to comfort, he presumed, the defeated monarch, and to offer to Charles Albert the good offices of England. Nay, he found further that when Mr. Abercromby proceeded on his task, he told the King of Sardinia that the sentiments of Her Majesty's Ministers, and of the people of Great Britain, were in sympathy with his own. What Mr. Abercromby might be justified in saying, on the part of the noble Lord and the Government, he could not presume to assert; but, when Mr. Abercromby stated that the sympathies of the honest and justice-loving people of England went along with Charles Albert, then he (Lord J. Manners) did say that Mr. Abercromby had calumniated the people of England. Doubtless it would be a great consolation to Charles Albert that in the hour of his distress he should receive the sympathies of Her Majesty's Government; but he strongly suspected that it was something more substantial than these sympathies that he relied on when he commenced his ill-starred expedition. The fate of that unfortunate monarch might almost be seen to have been predicted in the lines of our great moralist :—

"The bold Sardinian, in a luckless hour,
Tries the dread summits of Casarian power,
With unexpected legions bursts away,
And sees defenceless realms receive his sway;
Short away! fair Austria spreads her mournful charms,

The queen, the beauty, sets the world in arms;
From hill to hill the beacons rousing blaze
Spreads wide the hope of plunder and of praise;
The fierce Croatian, and the wild Hussar,
With all the sons of rage crowd the war;
The baffled prince in honour's flatt'ring bloom
Of hasty greatness finds the fatal doom,
His foes' derision, and his subjects' blame,
And steals to death from anguish and from shame."

When Charles Albert went to seek his grave in a foreign land, he believed that His Majesty's death-bed was not much consoled by the reflection that he had with him the sincere sympathy of the noble Lord, and the alleged sympathy of the

English people. They were always told that in all their endeavours to excite the people against their governors, it was the cause of the people that was advocated, and that liberal institutions might be established, and the blessings of freedom diffused, throughout the land. But it was a remarkable circumstance, so far as the Austrians in Italy were concerned, that the feelings of the people were in favour of their legitimate Sovereign—that their sympathies were not with Charles Albert, the invader, but with the Emperor of Austria. Mr. Abercromby admitted this in a letter to the noble Lord, when he said—"And you must remember that the provinces have shown very little enthusiasm, and no public spirit whatever in the cause." And Lord Ponsonby told the noble Lord that all his information led him to believe that when the Austrian army entered Milan they were received as the vindicators of right, as the promoters of peace, as the maintainers of the happiness of the people, and not as the oppressors. And Lord Ponsonby again, in another remarkable letter, stated that "the peasantry and farmers of the Milanese district had received with delight the Austrian army; that they rejoiced to see them as their friends and protectors again." When Charles Albert was successful there was no disposition for mediation; but when unsuccessful, the noble Lord took upon himself the part of a mediator, and the noble Viscount sought then to secure for Charles Albert by diplomacy that which His Majesty had failed to gain for himself in the field; and after Austria had accepted his mediation the noble Lord grudged no time, grudged no ingenuity, in endeavouring to persuade Austria that she never could retain the Italian provinces. But the part of a prophet was no better played by the noble Lord than the part of an abettor of insurrection, or the part of a mediator. There was not a despatch from the noble Lord or from Mr. Abercromby which was not filled with predictions that it would be impossible for Austria to rule again over Italy, and that, for the sake of Austria herself, she ought to be too glad to yield up the Lombard provinces to her neighbours; and even when the valour, the loyalty, and the discipline of the Austrian general and the Austrian troops had rolled back the invasion, the noble Lord wrote to Lord Ponsonby, that Austria must not be so blind and infatuated as to think that the military occupation of

Lombardy was synonymous with Austrian rule in these provinces. That was the invariable language of the noble Lord and his agents throughout the whole attempt at mediation. Well, but what had been the result? Austria was not to be so scared out of her prey; and when they were told that this policy was calculated to maintain the glory of England, he could only say that he quoted with more approbation the answer that was given by the Austrian Minister to language of this kind. Prince Schwarzenberg, on being appealed to, returned this gallant and noble answer:—

“That it would be better for Austria to perish with arms in her hands, than to admit such propositions, and that if Austria were attacked in Lombardy by the neighbouring Powers, they would meet with resistance the most determined.”

And thus ended the attempt to wrest, by diplomatic threats and menaces, the possession of Lombardy from Austria. What has been the result? Were there interminable disputes or implicable hostilities? Had they heard of any menaces of civil war throughout Lombardy? It was true they were told that the King of Sardinia found himself in an uncomfortable position, and that a Peer of England, one of those who by his vote, it was said, had contributed to tarnish the honour of his country, had preserved the second city of that Monarch's dominions from being destroyed by the violence of an infuriated mob; but did they hear that Austria was likely again to be disturbed in Italy? They were not told that the feelings of the people of Lombardy were such as to threaten another insurrection. The people were satisfied under the sway of the wise and paternal Government of Austria. [*Cries of “Oh, oh!”*] He would tell those hon. Gentlemen who cried “Oh, oh,” that he would venture to make this prophecy—that whenever it might please the new King of Sardinia, or any other King, Power, or potentate, to invade the Italian dominions of Austria, they would find neither encouragement nor support from the Lombard population of the provinces. The hon. and gallant Member who spoke last told them that the House should show that it was not indifferent to the claims of the commerce of England. He agreed with him. It was most important that this House, representing the great industrial people of England, should not be indifferent to the foreign policy of the Government, which might seriously affect the commerce of the coun-

try. But when he appealed to hon. Gentlemen who sat near him, and who represented in an especial manner the manufacturing districts of the country, let him ask what had been the results, in a commercial point of view, of our fomenting insurrection on the Continent? What had been the practical commercial result of the invasion of the Italian Peninsula? Here, again, he would quote from no partial authority—he would not quote from Gentlemen sitting on his right hand—but he would appeal to that organ which was understood to represent the wishes, and he feared he must say sometimes the prejudices, of hon. Gentlemen opposite:—

“The tariff of Lucca, through which Parma and Modena used to be supplied with English goods, was 10 per cent *ad valorem* for cottons and linens previous to the liberal attempt of Charles Albert, 12 per cent for woollens, and for cotton twist about 7½ per cwt. In Tuscany, the fiscal dues were little more than nominal. But now the Austrian tariffs were substituted for the Italian tariffs, so that cotton paid 2s. 4d., and cotton twist 1l. 10s. per cwt., and so on in proportion.”

He thought, therefore, that English commerce could hardly be said to have gained much by the Italian policy of the noble Lord. A newspaper writer, summing up the results of this wonderful policy, said—

“The result would be that Piedmont herself would be forced into the Austrian Zollverein, which would thus be extended from the furthest cape in Sicily to the confines of Saxony.”

He wished the representatives of the manufacturing districts joy of these magnificent results, which, under the guidance of the noble Lord, they had achieved; and after the appeal that had been made to them, on competent authority he had no doubt, by a writer in the *Daily News*, he trusted they would be found to record their votes in favour of a policy which, commencing in injustice, ended by stretching the restrictive tariff of Austria from the furthest cape in Sicily to the confines of Saxony. He had thus endeavoured, he trusted with no acerbity of tone, to express the opinion which he honestly and conscientiously entertained on some of those great questions which had been submitted to their notice. He would forbear to touch on the question of Portugal, in which by the way he found that he was at the time a zealous follower of the hon. and gallant Gentleman who had now become such a fervid eulogist of the noble Lord. Neither would he touch upon the Spanish Marriage question, though the noble Lord would hardly appeal to either in proof of the success of his foreign policy.

He put these considerations before the House as reasons which induced him to take an opposite view from the hon. and gallant Member for Middlesex, and because he believed that neither the honour nor the dignity of the Crown of England could be maintained by a policy of this nature, nor could the peace of the world be long maintained if it were continued to be pursued. He had no confidence in that policy which now bullied a weak State or now submitted to a powerful State—which at one moment declined all mediation and interference when its good offices were required, and at another moment inflicted those good offices upon a reluctant Government—which at one moment made an extravagant and exorbitant claim for compensation upon a defenceless State, and at another moment declined to apply for redress to a powerful State. Such a policy seemed in his view to be neither consistent with the honour nor the dignity of the country, nor would it tend to secure for England that position among the nations of the world which it had hitherto so proudly maintained. He did not think that by exciting against England the indignation of civilised Europe they would promote the honour of the country, or conduce to the peace of the world.

MR. C. ANSTEY said, that in the difficulty in which he must confess he found himself placed in respect of the vote he should give on the Motion before the House, it was at all events some consolation to him to know that that difficulty was shared by other hon. Members. It was not that he was apprehensive of the consequences of a vote. In making up his mind as to what vote he should give on any question in that House, such a thing as apprehension for the consequences of his vote was the last consideration that had ever occurred to him; but it was that the terms in which the resolution of his hon. and learned Friend the Member for Sheffield was clothed were so general—so susceptible of a variety of conflicting interpretations—that he confessed he was, when he considered the terms of this Motion, met by the preliminary difficulty of scarcely being able to understand it. But they were, however, called upon to give their approbation to the foreign policy of Her Majesty's Government, because the principles on which that policy had hitherto been conducted were such as had tended to insure the honour of the Crown and the peace of the world. No Ministry in particular was

named—no definite period was referred to; and, to increase the difficulty, in the speech itself of his hon. and learned Friend—able, as he admitted it to have been, and in which, to a great extent, he himself concurred—they were invited to go back to the year 1830 for evidence and arguments in favour of this policy. But they well knew, at the same time, that the object and aim of this resolution was, to neutralise the effects produced on the minds of the people and of the Governments of foreign States, by the unjust and un-English vote of the House of Lords. They knew that there was strong reason to believe that the ground on which the Ministry had been attacked in another place, though professedly relating to their measures with regard to Greece, was one derived from the whole course and current of their policy in the Levant since February 24, 1848. He, therefore, complained of being called upon to give a vote on the resolution now before the House, when he knew that that vote—if there was any force in words, or any strength in language—must be meaningless. They were not asked to affirm this—that since the period when the late troubles of Europe began, in 1848, the conduct of the Government had been, on the whole, just and honourable. They were invited to go back into the undefined past, and to affirm that the policy of the English Government, in whatever hands placed, had been wise, honourable, and English. He could not say that;—neither could he, as to every particular, assert the contrary. At present, therefore, he found it very difficult to give any vote at all on this question; and he regretted this, because wishing to deal in a spirit of fair play with a Minister whose foreign policy, inherited from the Minister that had preceded him, he (Mr. Anstey) had had occasion to condemn, and which policy he did still unfeignedly condemn—and not wishing, in the language of Strafford, to “bring up their good deeds” against the Government, and to “punish them even for those”—he should have desired to have been enabled to give an honest vote in favour of their post-revolutionary policy. It was not that he had anything to retract. On the contrary, he took the present opportunity to remind the House that he had in his place on a former occasion passed in review the acts and deeds of the Government of this country towards Poland, Turkey, Persia, China, Central Asia; and, in fine, the whole course

of their foreign policy from 1830 to 1848, and condemned it; and he begged to be understood now to reiterate that condemnation. But it was that that policy was now changed. He was bound to state that—on what inspiration he knew not, nor did he seek to be informed—the foreign policy of this Government had, since the time of difficulty began—namely, since February, 1848—been such as the resolution of his hon. and learned Friend described it; and if that were the necessary meaning of this resolution, he should at once be prepared to test the sincerity of his conviction by the publicity of his vote, and that vote he should give upon it. But in no case could he vote against it. He knew what men a hostile vote on this resolution would result in placing in power, and, knowing this, he must say that in the interest of those foreign countries whose claims he had so often, however humbly, defended, and though he could not affirm positively that he had confidence in the foreign policy of the present Government—he could at least thus far say, that he was most essentially and determinedly opposed to the policy of those probable successors of the present Ministers—politicians who had, both there and elsewhere, advocated the extradition of honourable and patriotic men—to foreign despots, and the first act of whose administration would very probably be the betrayal of the brave Hungarian refugees who had sought shelter at Constantinople to the barbarous vengeance of the Czar of Muscovy. He had no sympathy with a policy that would stifle the cry of liberty in the Italian Peninsula, or attempt to check the Hungarians and Poles in their glorious efforts to raise the standard of independence in the land of their birth. But he had yet another motive. It was in the spirit of fair play to the Foreign Minister—to the noble Lord—and not because he had confidence in his policy, that he now came forward to render him the testimony of an independent Member of Parliament, that, on one and all of the recent passages of his policy, and as to which he had of late been made the subject of much obloquy, his opinion was that he had sinned more on the side of moderation than of excess. And therefore he appealed with confidence to the justice and generosity of every Member of that House not to misconstrue his motives and his speech. His noble Friend who had just sat down had opened new ground that night. He had asked them to come to a

decision—for his speech was equivalent to such a challenge—he had asked them to come to a decision to the effect that the measures of the Foreign Minister—not in Greece but in Italy—had been such as were inconsistent with the honour of the Crown, and calculated to endanger, rather than to preserve, the peace of the world. Now, he would say that the noble Lord the Member for Colchester had opened this as new ground that night; because he could not think that the right hon. Baronet the Member for Ripon had done more than merely point the way to that discussion which the noble Lord had entered into. They had heard much from the noble Lord on the subject to which he referred. They had had passages from blue books that had been on their table for the last two years, but which had never yet been the subject of controversy within those walls, though they well knew the nature of their contents, on the question of Italy and her troubles. But to what did all that amount? Why, when a slight deficiency in the statement of the noble Lord the Member for Colchester and of the right hon. Baronet the Member for Ripon had been supplied, it would come to this—that our so much condemned diplomatic interposition in the affairs of Italy had been made inevitable by the course of events which had resulted in a war, and a war that threatened to be a general and a lasting one; and that our Minister, not having the spirit of prophecy, and not being able to see that that war would be so soon put an end to, did give to all parties those counsels that did at that time appear most calculated to contribute to a speedy and honourable peace. But the noble Lord's statement presented a deficiency, and he begged to supply it. The noble Lord had omitted the Prince of Denmark from the tragedy of *Hamlet*—the part of the Pope in the great drama of Italy. The present Pope, notwithstanding his recent departure from the enlightened policy with which he had commenced his reign, was one of the most liberal, able, disinterested, and patriotic sovereigns in Europe. On his accession to power—which took place in the shortest conclave and in the purest election that marked an elevation to the pontifical chair since the days of St. Peter—he found his dominions—he found the patrimony of St. Peter—on the eve of destruction, thanks to the principles of constitutional law which, under Austrian influence, had been given to

the people by the Pontiff who had sat in the pontifical chair since 1815. The present Pope at once sought the assistance of those about him to put an end to the nuisance of foreign influence, and to remove abuses, in doing which he did not shrink from parting with some portions of his temporal prerogatives. He proclaimed an amnesty, he excluded from office persons known to be the profligate and traitorous slaves of foreign influence, he sent Cardinal della Genga to the Castle of St. Angelo, and took the preliminary steps to form a constitution. Ferrara, a city on the frontier of the Papal States, it would be recollected, was seized by the Austrians, and great was the excitement thereby produced throughout all Italy. In this state of things our Government found itself obliged, by a sense of duty—he would not say to the cause of freedom in Italy—even to our national honour, as one of the guaranteeing Powers of the Treaty of Vienna, to protest against these scandalous aggressions; and they all knew what was the answer of Austria. It was by threatening further encroachments in another quarter. Charles Albert, as the Duke of Savoy, had shown a disposition to imitate the Pope, and even to go further and grant that constitution which in the Pontifical States was only under discussion. Charles Albert, therefore, had long been regarded by Austria with the same jealousy as that with which they regarded the Pope; and Prince Metternich had even attempted to compel his imbecile parent, Charles Felix, to alter the succession, and declare the Duchess of Modena heir to the throne, to the exclusion of his own son. Charles Felix, however, refused to do so unjust an act, and Austria was obliged to acknowledge a prince imbued though he was so deeply with constitutional principles. The Austrian Government, however, intimated that they “acquiesced in his accession on condition that he did not depart from the policy of Charles Felix.” That was surely a cool and arrogant assumption, considering that the kingdom of Charles Albert was an independent State; and it was not submitted to. Charles Albert on his accession lost not an hour in creating and disciplining that army which, in these recent days, despite its latest disasters, had achieved so many laurels in well-foughten fields. The events that took place in Italy were often said to have been copied second-hand from those of France. Gentlemen pretend that they were the mere

fruits of the seed sown on the 24th of February in the blood-stained streets of Paris. But that was not the fact. The movement was begun in the Pontificate, in the heart of Italy, in the city of Rome, and had spread to the north of Italy, before a shot was fired on the 24th of February in the streets of Paris. The charter of the constitution was granted by Charles Albert on the 10th February, weeks before there had been a thought of revolution in France. In this state of affairs our Foreign Secretary was called upon to interfere; but against whom?—against what constitutional monarch? Was it against the maintenance of order? On the contrary, it was against the interference of Austria in Italy, by which disorder had been everywhere established, and against Austria crossing her southern boundary and taking possession of an Italian city. But what was the nature of the interference? The noble Lord the Foreign Secretary limited his protest to the intimation that, “if Austria ventured to interfere to check the progress of reform in Italy—a State which did not belong to her—such a course would not be regarded by England with indifference.” No Gentleman in that House would, he thought, venture to say that the noble Lord’s duty would have been discharged had he said less. If the noble Lord had gone beyond that, and had intimated to Charles Albert that he might rely on the aid of an English fleet or an English army, he would only have done that duty more effectually, and in a manner more becoming the Minister of a great and first-rate Power. The noble Lord is not, however, censured for that, but for going even so far as he did. That was to say, that if the Earl of Aberdeen and Lord Stanley had been in power, our interference would have taken place to put down the constitution of February, granted by the King to Sardinia, and with it all hopes of constitutional government in every State in Italy. When the revolution of March broke out, and the Austrians were driven out of Lombardy—when a Provisional Government was created there by the act of the people—Charles Albert was invited by that Government to recognise its independence. Mindful of the past, solicitous for the future, fearing that, if the invitation were refused by him, it would be made to France, and that then a French army would soon be seen at the summit of the Alps, Charles Albert had to con-

sider whether he should treat with this Provisional Government as an independent State. Vattel and all the jurists laid it down, that when a Government was in abeyance, a foreign Power might treat with either of the contending parties as representing the State; and, under the circumstances of the case, Charles Albert did no more than he had a right to do by every acknowledged principle of international law; and his only motive was the honourable one of wishing to assist his countrymen in putting down that domination to which his and their weakness had compelled them for so many years to submit, and regaining that for which their ancestors had struggled for so many centuries, and which God and nature had destined for them—namely, that Italy, their common country, should be a free, united, and independent State. Charles Albert failed, and, though overwhelmed with disasters, certainly not with dishonour, and now, at this time of day, the memory of this unfortunate king, a martyr to his struggles to free his country from a foreign yoke, was exposed to ridicule in the British House of Commons, and the Minister of England who dared to sympathise with him in the day of his misfortune, and to communicate to him that sympathy, was now stigmatised and taunted with having thereby derogated from our national honour. The right hon. Baronet the Member for Ripon in like manner had called on the House to refuse this vote of confidence on account of the best passage in the policy of the Foreign Office since 1848—namely, in respect to what took place in the waters of the Dardanelles. The right hon. Baronet, instead of attributing the results of our interference there to its right cause, attributed it rather to the clemency of the Czar of Russia, and, with a perseverance most unaccountable, would insist upon it that our flag was dishonoured by the mean acknowledgment of the officer commanding our fleet that he had entered the Dardanelles for shelter against the weather—a pretence wholly set aside by the evidence of a noble Lord who commanded one of the ships. The facts of the case were these: When the Czar of Russia sent an aide-de-camp, as from a superior to his dependant, to address the Sultan, with his head covered, the very enlightened gentleman who represented Turkey at this Court, and whom he was proud to call his friend, was charged to request the support of the noble Lord to the deter-

mination of the Turkish Government not to do violence to the laws of hospitality—the constitutional laws of their country—and to give up the Hungarian refugees to the merciless will of the despot who demanded them. The noble Lord would have been wanting in his duty if he had not interfered immediately, and accordingly he at once sent out his approval of Sir Stratford Canning's conduct in assuring the Porte of British countenance, and, what was more significant—not forgetting that *post hoc* was not the same as *propter hoc*—he sent a fleet also. The result was that a change took place in the Russian policy, and the insolent demands made with such want of ceremony by an aide-de-camp were withdrawn. The right hon. Baronet the Member for Ripon said, that was the result of the clemency of the Czar; but the Turks themselves attributed it to a far different cause. It had been said that the ships had entered the Dardanelles in violation of treaties. It was the treaty of June, 1841, by which the Dardanelles were closed to a British fleet, and not the treaty of Castelfidardo, as the right hon. Baronet had stated. But, far from blaming the noble Lord the Foreign Secretary, it was because he was mindful of treaties, of right, of justice, and most jealous of the direct infringement even of such bad treaties as that of 1841, that he rejoiced in the construction put upon that wretched treaty. He was not quite certain whether the honour of the construction belonged to the noble Lord or to the Turkish Ambassador, but the construction was that the French and English fleet, being at the mouth of the Dardanelles, the state of the weather, or apprehensions of a change of weather, which might make a change of anchorage expedient, gave them a right to enter the Dardanelles and proceed to a certain anchorage which was protected from the wind, and there lie until the necessity for such a course had passed away. That solution of the difficulty was adopted at once by the French, English, and Turkish Governments, and eventually it received the indirect and reluctant assent of Russia and Austria. After that the wretched treaty of 1841 must, he was happy to say, be considered null and void. But the noble Lord, in another place, who moved that un-English vote which we were now endeavouring to sponge out, and who looked to come into office in the event of the vote of confidence now before the House being rejected, laughed at the solution

thus arrived at, as it had been laughed at by the right hon. Member for Ripon, who had told them last night, with such glee, of the disgrace that had fallen on the British flag by the falsehood which he affirmed had been brought home to the officer commanding the fleet. He (Mr. Anstey) did not think the people of England would join those who were now standing open-mouthed for office in their unseasonable mirth. Again, with regard to Hungary, he could not blame the intervention of our Government, because, according to the terms of the treaty subsisting between the Crown of Hungary and this Crown, it was their duty to secure to Hungary, by force of arms, if necessary, the enjoyment of those constitutional rights which were hers by the laws of the country, and upon the faith of which she became subject to the house of Lorraine-Hapsburgh. We had guaranteed the Pragmatic Sanction; and we had given subsidies of money and succours of troops to the Sovereigns reigning in Hungary, for the purpose of enabling them to maintain themselves there; and in return we had a right to insist upon the maintenance of the old constitutional freedom of that country. At all events, and without giving to Hungary all that she had lost, or even preserving to her the little she had left, we surely ought to prevent her absorption with the Austrian empire by the revolutionary Government which now existed. Even Prince Metternich himself would never have gone the lengths with Hungary to which the revolutionary Government had gone. Even under Metternich, Hungary was always treated as a separate kingdom, and never denied at least the forms of a constitution—she was not denied the enjoyment of her own laws, and she was protected against the invasion of Austrian troops and placemen and judicatures. But in 1848 all was changed. Hungary found that the commencement of the revolution at Vienna was the signal for the destruction of her independence; and therefore he need not remind hon. Gentlemen who understood what patriotism really was, that it became not a question of absolute or constitutional government—not a question of having a constitution more or less democratic, but of having a country at all. He would rather have a country, although it were governed by the most despotic Government in the world, than be without a country, and possess a cosmopolitic citizenship in all the free coun-

tries in the world. The course taken towards the Hungarians was to deprive them of their nationality altogether, and make their ancient and free kingdom one part only of the empire of Austria. The Emperor himself at first pretended to be embarked with them in resisting this tyranny, and while they shed their blood in his cause, gave them hopes that they would secure a better constitution than that they had, but certainly such as should secure at least their independence. But when the Emperor regained his capital, he conferred a free pardon upon the military oligarchy reigning at Vienna, bestowed honours upon those against whom he had arrayed the Hungarians, and carried on all their measures for extinguishing the Hungarian name. Under all these circumstances, it was no wonder that the Hungarians should come to the unanimous decision that the house of Lorraine-Hapsburgh had by its treachery and breach of oath forfeited the crown of Hungary. This was the state of things when the noble Lord was called upon to interfere and try to preserve to Hungary the poor remnant of nationality left it; and who would say that that was an interference in favour of the disturbers of public peace or of democratic institutions? These were the great passages in the late policy of the noble Lord on which the House was invited to form an opinion. For himself, with regard to Italy and Hungary, he wished well to them, and trusted they would recover their freedom, and that the military occupation which now weighed them down and destroyed their energies would have a brief and violent duration. The cause of Turkey was the cause of the world; and the last hour of the independence of every great nation of Europe would be knelled when Russia found herself in possession of that object which had been the end and aim of Russian intrigue and desire since the days of Peter the Great—namely, the possession of Constantinople. He wished to frustrate those aims and desires; he wished to avert that knell; and he was, therefore, not anxious to see the Foreign Office in the possession of any Minister who avowedly would make a Russian alliance the keystone of his policy. After the lengthy debate of last night, he felt scarcely called upon to notice the comparatively contemptible question which formed the chief grounds of censure by a noble Lord in another place, and which was urged as the foundation of

the absurd, impolitic, and un-English resolution which had been carried in that place. Yet on a few points he would make some observations. The noble Lord the Member for Colchester had said that one important point had been designedly kept out of sight in the discussion of this question, namely, the transactions which had taken place in reference to the islands of Cervi and Sapienza, alleged to be formerly in the occupation of Greece, and secured to her by the treaty by which her territory was guaranteed by England, France, and Russia, and that, therefore, England ought to have consulted those two Powers before seizing the islands. He denied that conclusion. These two islands were not affected by that treaty at all. Instead of England interfering with Greece to take away two islands from Greece, it was Greece interfering with England to take two islands from England. England held those islands under other treaties, and he was glad to hear the statement of the hon. and gallant Member for Portarlington, a few nights ago, who had said that he was one of the commissioners for marking out the boundary of the new Greek kingdom, and that these islands were no part of that kingdom; and had added the conclusive fact that when a strict quarantine was enforced on the coast of Greece, he, being in quarantine and unable to land on any Grecian territory, was yet at perfect liberty frequently to land on the island of Cervi to shoot game there. It was not, however, a point left to conjecture. When they were first taken possession of, being islands of no extent or value, a simple protest against their occupation was all that was thought necessary. But Sir E. Lyons, who made that protest, also corresponded on the subject with his Government; and when the noble Lord received a despatch in November, 1839, on the subject, he did nothing without consulting the Secretary for the Colonies, all communications with the Lord High Commissioner of the Ionian Islands passing through that department. It was an error to suppose that the reclamation against the occupation by the Greek Government of the two islands in question originated with the noble Lord now at the head of the Foreign Department. The following letter from Mr. Addington to Mr. (now Sir James) Stephen, bearing date so far back as the 26th November, 1841, showed that even at that comparatively remote period the subject had

engaged the attention of the Foreign Office:—

“ Mr. Addington to Mr. Stephen.

“ Foreign Office, Nov. 26, 1841.

“ Sir—With reference to Mr. Backhouse's letter of the 18th of January, 1840, respecting the claims of the Ionian States to the possession of the islands of Cervi and Sphacteria, I am directed by the Earl of Aberdeen to transmit to you, for the information of Lord Stanley, copies of a despatch and its enclosures from Her Majesty's Minister at Athens, relative to certain proceedings taken by the authorities in Greece with regard to the island of Cervi, which would seem to indicate a disposition on the part of the Greek Government to assume the right of occupation of that island.—I am, &c.

(Signed)

“ H. U. ADDINGTON.”

The Earl of Aberdeen was of opinion that the occupation of these islands by the Greek Government was a grievance which called for the interference of this country. The mode in which the attention of the noble Lord the present Secretary for Foreign Affairs was called to the subject was this. In the month of March, 1849, a ship carrying convicts from the Ionian Islands, having been wrecked on the coast of Cervi, which was then in the occupation of the Greeks, the convicts, with the crew and constables, reached the shore in safety. Certain persons assuming authority in the islet as officers of the Greek Government, asked the convicts whether they would prefer remaining in the island under the protection of that Government, or being again surrendered to the charge of the constables; and on their replying that they would prefer remaining in the island, the prisoners were at once removed from the custody of the officers of the Ionian police. This, of course, brought the question again on the *tapis*, and Sir E. Lyons was again called upon by the Ionian Government to remonstrate against the occupation by the Government of Greece of the islands in question. Sir E. Lyons renewed his remonstrance over and over again; but in a despatch to the noble Lord, bearing date the 8th of March, 1849, he complained that the Greek Government had not condescended to take the least notice of any of the many letters which he had addressed to them on the subject. Surely it will not be contended that the noble Lord could, consistently with his duty, have permitted conduct so outrageous to pass unnoticed. As to the measures adopted by Admiral Parker for obtaining possession of the islands, he would take leave to say that there appeared to exist, both in that House and in another place, a wonderful

amount of ignorance on the subject. It was alleged against the noble Lord that the orders which he gave upon the subject were lightly issued, and as lightly abandoned, as soon as the letter of Count Nesselrode was received; but for this charge there was not the slightest foundation in truth. The whole correspondence upon this subject, as given in the blue book, established the fact beyond all controversy that the noble Lord had acted with extreme forbearance throughout, and that it was not until he found that the remonstrances of our Minister at Athens were repeatedly and systematically disregarded, that he resolved upon taking a severe course. The following letters which passed between Mr. Wyse and the noble Lord, in the month of September, 1849, were conclusive on the point that it was not until after all remonstrances had proved to be unavailing, that recourse was had to coercive measures:—

"Mr. Wyse to Viscount Palmerston.

"Athens, Sept. 8, 1849.

"My Lord—I have the honour, in obedience to the instruction contained in your Lordship's despatch of the 15th ultimo, to report to your Lordship that I have not received any answer whatever to the note which I addressed to the Greek Government on the 19th of July last, requiring them to immediately evacuate the Ionian islets of Cervi and Sapienza, and to let me know when that had been done.—I have, &c.

(Signed)

"THOS. WYSE."

What course did the noble Lord pursue? He caused the following letter to be addressed by Mr. Merivale to Mr. Addington:—

"Mr. Merivale to Mr. Addington.

"Colonial Office, Aug. 31, 1849.

"Sir—I have received and laid before Earl Grey your letter of the 15th instant, forwarding the copy of a correspondence with Her Majesty's Minister in Greece respecting the occupation of the islands of Cervi and Sapienza by the Greek Government; and expressing the opinion of Viscount Palmerston that coercive measures should be resorted to for taking forcible possession of these islands, if Her Majesty's Government do not receive a satisfactory reply to the application which has been made for the immediate withdrawal of the Greek officers from the islands in question; and I am to acquaint you that Lord Grey, concurring in the opinion of Lord Palmerston, will instruct the Lord High Commissioner to pursue the course which his Lordship has recommended.—I am, &c.

(Signed)

"HERMAN MERIVALE."

The Greek Government had broken the solemn engagements into which they had entered, and had treated with the most contemptuous disregard all the remonstrances and protestations which were ad-

ressed to them on the part of the British Government; but so strong an aversion had Admiral Parker to proceed to extremities, unless under the presence of an inexorable necessity, that, notwithstanding that he had received his instructions, he undertook upon his own responsibility to suspend coercive measures until he could have an opportunity of communicating with the Government at home, for the purpose of ascertaining whether a satisfactory answer to the repeated remonstrances which had been addressed to them had been received, even at the eleventh hour, from the representatives of the Greek Government. In so doing, he undoubtedly pursued a judicious and humane course, and one which was deserving of all commendation. Were it not that political passion and prejudice were, unfortunately, sufficient to explain any absurdity, however egregious, it would be difficult to understand the conduct of noble Lords in another place, and of certain hon. Members of that House, in raising on such a foundation as this such a superstructure of accusation and reproach against the noble Lord and his subordinates in office. It was worthy of remark, that all these transactions which had excited such a storm of indignation against the noble Lord, and which had given rise to so vehement an outcry for his ejection from office, were not the exclusive acts of that noble Lord. They were the acts of the entire Government, and not merely of the noble Lord. He had consulted his colleagues at every important crisis that had arisen; and the noble Lord at the head of the Government had given the House to understand, in express terms, that there was not a step that the Foreign Secretary had taken which the Government were not prepared to adopt as their own, and with which they did not cordially identify themselves. It was most unfair, therefore, and most irrational to throw all the responsibility on these proceedings on the noble Lord at the head of the Foreign Department, and to exempt from censure all the other Members of the Cabinet, who were supposed to be less open than the noble Lord to the imputation lately cast upon him of being a lucifer match. He (Mr. Anstey) was no blind supporter of the Grecian policy of the Government in all its details, but he would not hesitate to admit that he cordially approved of the general principle on which it had been, in the present instance, based. He had already that Sen-

sion protected himself against misconception and misrepresentation in this matter; for it would be in the recollection of the House that, some time ago, he had taken occasion to complain of a certain informality in the proceedings of the Government with respect to Greece. But he then stated that informality did not involve any infraction of international law. It was a matter in respect of which he thought then, and he was still of the same opinion, that constitutionalists and lovers of freedom here at home might have a right to complain, inasmuch as we might think that it was giving too much power to a Secretary of State to allow him to issue orders, which of right ought only to be issued by the Sovereign in Council; but that objection did not involve any question of foreign policy or of international policy. It was nothing more nor less than a constitutional question affecting ourselves, and ourselves alone. Moreover, he had then stated, the noble Lord at the head of the Foreign Department was not the only British Minister who was obnoxious to the charge of informality. The Earl of Aberdeen was guilty of precisely the same thing; only that in his case the offence was accompanied by international injustice, when he perpetrated the celebrated enterprise of the waters of the Parana. In fact, there was not a modern Minister of them all—Tory or Whig—who was not occasionally guilty of some such invasion of the constitution. There was not one amongst them who might not now and then adapt to his own case the words which Shakspeare had put into the mouth of a great and guilty Minister of other times, the Earl of Suffolk:—

“Faith I have been a truant in the law,
And never yet could frame my will to it,
And therefore frame the law unto my will.”

Viewing the conduct of the noble Lord on this Greek question as a whole, he would not hesitate to express his conviction, that if the noble Lord had adopted any other course of policy from that which he had pursued, he would have left himself open to the grave accusation of having neglected the solemn duty which he owed to his country; for, as representative before Europe of this great empire, it was his duty to take care that the dignity and honour of the British name should not be outraged with impunity, even in the person of the meanest and most insignificant British subject. An accurate perusal of the discussion in the other House of Parliament

had led him to the conclusion that, except the leaders of the debate, there was no one of all those who supported the resolution who had read the papers on the table, or had taken the least pains to inform himself on the true merits of the case. Nor did he believe that any hon. Member of that House, who had heretofore spoken in favour of the course adopted by their Lordships, knew anything more of the then state of the facts than was to be derived from a rapid and very cursory perusal of the report of the Lords' debate, as published in the morning papers. The absurd errors into which the assailants of the noble Lord in both Houses were continually betrayed, proved how inadequate and how inaccurate was their information. For instance, they had repeatedly alleged that the claim on account of the *Fantome* being found untenable, had been abandoned; but the statement was utterly devoid of truth. In the letter bearing date the 6th of December, 1848, would be found a passage, in which the claim on account of the *Fantome* was urged with as much perspicuity and force as it was possible for language to convey. But the speeches which had been made against the policy of the Government were remarkable for nothing so much as for perversion of facts, incoherency of arguments, and mis-statements of law. The hon. and learned Member for Abingdon had had the courage to assert that it was not conformable with the law of nations, or with the law of England, that a State should be held responsible for damage done to the subject of another nation by an armed mob; but this was a doctrine to which he (Mr. Anstey) could not assent. The hon. and learned Gentleman had put this case—

“Suppose that, in 1780, some of the mob of rioters whose proceedings disgraced that period, had broken into the house of some foreigner—a Roman Catholic—and plundered his property; would such an event have furnished a case for the interference of the Government of that foreigner, and for an interference, moreover, to be enforced by hostile aggression?”

To that question he (Mr. Anstey) was prepared to answer in the affirmative. It was true that, generally speaking, reprisals could not be had for private wrongs unless recourse was first had to the ordinary tribunals; but it was not true that it was a *sine quâ non* that such an appeal should be made. On the contrary, the very opposite doctrine had been laid down by the most eminent writers, who concurred in declaring that, if the courts of law of the aggressive party

should decide against the law of the country, or if, from the constitution of the tribunals, or from external influence, or from any other cause whatsoever, it should seem to be useless to have recourse to them, the aggrieved party was to be exempted from the obligation of appealing to the courts at all, and was to be at liberty to claim redress through his Sovereign for the injury inflicted on him. He knew and respected the repugnance which the House always showed to dry quotations out of law books; but he would take leave to read one extract from one eminent writer on maritime law, which would settle this question. According to Molloy (*De Jure Maritimo*, b. i. ch. ii. s. 15), "persons murdered, spoiled, or otherwise damnified in hostile manner in the territories or places belonging to that king to whom letters of request are issued forth; if no satisfaction be returned, letters of reprisal may issue forth; and the parties petitioners are not in such cases compelled to resort to the ordinary prosecutions, but the prince of that country against whom the same are awarded, must repair the damage out of his or that estate who committed the injuries; and if that proves deficient, it must then fall as a common debt on his country;" and of such reprisals Molloy then proceeds to give many instances out of the maritime annals of this country. The case of *M. Pacifico* was expressly one of that character. But he was doubly armed, for any one who knew anything of the facts of the case was aware that that gentleman had made repeated application to the courts, and that all his efforts to obtain redress in that quarter had proved utterly unavailing. It was difficult to imagine anything more puerile or absurd than the charge which was brought against the Government on account of the magnitude of the force which was committed to the command of Admiral Parker. It being admitted that, viewed in all its bearings, the case was one which admitted of reprisals, he could not understand why an objection should be made because of the efficiency of the force by which those reprisals were to be carried into effect. When, in the year 1804, reprisals were made upon Spain, and the object was to intercept the Spanish vessels which were returning laden with treasure from South America, the indignation both of Parliament and of the public was excessive, and the outcry against the Government of the day was most vehement, because a larger

number of English ships was not despatched upon the enterprise. The number of English ships only equalled that of the Spanish vessels with which they had to contend, and the consequence was that the sacrifice of human life was enormous, for the Spanish Commodore, finding himself pitted against an enemy not superior to himself in numbers, had nothing for it but to fight to the death. The assailants of the Government at that time maintained that, if an English force twice as large had been sent out, there would have been no effusion of blood, for that the Spanish Commodore, finding it impossible to combat with an antagonist so much more powerful than himself, would have seen that it was compatible with his honour to have struck his flag at once. He confessed that, for his own part, he thought there was much sound reason in this argument, and however anomalous the sentiment might appear to obtuse or narrow minds, he concurred in the opinion expressed by a noble Lord in another place, that the despatching of so formidable a force into the Bay of Salamis ought under the circumstances to have been regarded rather as a compliment than an indignity by the Government of Greece. It was his present intention to refrain from voting on either side of the question, unless some explanation were given so as to justify him in voting for the resolution. The resolution having been so worded as to convey an expression of unqualified approval of the foreign policy of the Government, *ab initio*, and as a whole, he could not conscientiously vote in the affirmative, because it was well known that in several particulars he disapproved of some of the more early proceedings of the noble Lord. But neither could he vote in the negative, because he confessed that he cordially approved of the policy that had been pursued by the noble Lord since February, 1848, and because he feared that a vote in the negative might be construed into the expression of a very different judgment. He could wish that the result of the discussion might be such as to relieve him of this difficulty—a very painful one he admitted it to be—and to set him free to record his vote in condemnation of the deplorable and unpatriotic proceedings of the Lords, and in vindication of that better system of foreign policy, which, he rejoiced to say, had been followed by the present Government, from the commencement of the late revolutions of Europe.

MR. B. COCHRANE said, the House must be grateful to the hon. and learned Gentleman who had just sat down for his disinterested conduct, in explaining to it, for two hours and a half, such a multiplicity of subjects—the Eastern question, the Greek question, the question of the Spanish succession, and many others—ending with a declaration that he did not mean to vote on this important question. He (Mr. B. Cochrane) had so often had the opportunity of listening to that hon. and learned Member, that he could not help being surprised at the great change which had taken place in the views he now expressed. He had sat in that House for five mortal hours, while for five mortal hours the hon. and learned Member poured forth invectives against the noble Viscount—invectives of no ordinary description, going to the extent, he believed, that the noble Viscount had been bought by Russia. In rising to address himself to the noble Viscount, he should not indulge in any invectives; and he wished it to be understood that he in no way desired to reflect, in the least degree, on those who, like Lord Napier, obeyed the orders of the noble Lord. An abler, a more admirable *Chargé d’Affaires* could not have been found. He was the victim, and not the suggester, of the noble Lord’s policy; and the same observation would apply to Mr. Peel, and others. He rose impressed with a very deep conviction—the only thing that induced him to rise at all in so important a debate. He owed it to himself to do so, having, on a recent occasion, in an unusual mode, under most unusual circumstances, risen to express the strongest feelings against the policy of the noble Viscount, and having made statements for which, if he could not now support them, he should have merited deep blame. He had charged the noble Viscount then with having supported revolutionary doctrines throughout Italy, and he charged him now with having done so. But he did not rise against the noble Lord simply for having supported revolutionary doctrines in every country, and for having tampered with the interests of every country; he rose with a more solemn accusation still, an accusation striking at the very root of the declaration of the Premier the other night, that this policy of the noble Viscount was English policy. God forbid it should be English policy! for he was there prepared to prove that the policy of the noble Viscount was based on bad faith with

every country with which we were connected. That was the important point of all. He would not touch upon the question whether it was right to support revolutionary doctrines, republican opinions, but he would apply himself to the deeply-essential matter he had more immediately indicated. He had, on a former occasion, given notice to the noble Lord of his intention to put to him a question with reference to the despatches of Count d’Haussonville, and he deeply regretted now that he had not put the question, because the noble Viscount would then have had an opportunity of stating before what he stated last night, that these despatches were not founded on fact. When he considered the great names implicated in these despatches—the Duke de Broglie, Ambassador to England; his son-in-law, Count d’Haussonville, filling formerly a high office in the Foreign Department of France—when he considered these names, when he read the book in his hand, and found there the charges made against the noble Viscount, not in equivocal language, not in doubtful terms, but distinct and unhesitating, he had felt that the case was one which there could be no finching from. The thing must be met. The charge was true, or it was false. The noble Viscount had said it was false; and he should be glad to hear the noble Viscount disprove charges which had made so much noise throughout France. There was one question which the right hon. Baronet the Member for Ripon did not touch upon in his allusion to the state of the Swiss question. It was stated by the Duke de Broglie, in his account of his interview with the noble Viscount on the 4th of July, 1847, that he asked the noble Viscount to join in a mediation upon the affairs of Switzerland. The noble Viscount refused to do so on that occasion, because he did not believe it to be right to interfere in the internal affairs of other countries. He wished the noble Viscount had carried out that principle upon other occasions. Two or three days subsequently, the Duke de Broglie saw the noble Viscount again, and he had then reason to believe that the two Governments of France and Great Britain were in perfect accord, and that instructions would be sent in opposition to the ultra-republican party in Switzerland. But, to the perfect astonishment of the French Minister, on the 14th of August, it appeared that Mr. Peel, our *Chargé d’Affaires* in Switzerland, was

writing to the Foreign Office to give an account of his conversation with M. Ochsenbein to the following effect:—

"Conformably with my instructions, I seized the opportunity to express to his Excellency M. Ochsenbein the favourable opinion which the English Government had personally formed of him, both from his high position and known character, and from his manifest resolution to maintain, as far as lay in his power, the interior tranquillity of Switzerland. The President was delighted with the sentiments expressed in your Excellency's despatches, which I took care to communicate as literally as possible, and he asked me to leave him a copy; a request which I did not feel myself authorised to comply with, except expressly authorised to do so by your Excellency."

Thus it appeared that while the noble Viscount was giving the Duke de Broglie reason to believe that his policy would be in accord with the instructions of the French Minister, he was instructing Mr. Peel to go to M. Ochsenbein to express his admiration of his policy and conduct. On the 30th of October M. Bois le Comte had an interview with Mr. Peel, which, in a despatch to M. Guizot, he thus describes:—

"After the idea which I have endeavoured to impress upon your Excellency of the open and frank character of Mr. Peel, you will not be astounded at the following details. Mr. Peel called upon me yesterday. 'All my opinions are changed,' said he, 'the conduct of the Radicals in the attempts at conciliation which have been lately made is disgraceful; they were sincere in nothing, and false in everything. But what will France do? Do you really think that we shall allow all these fine fellows to be destroyed? You see they are about to throw 80,000 men upon their backs; shall they be massacred before our eye?'—and then Mr. Peel used the expression which I have previously quoted, 'that the conduct of M. de Kaisenfeld would produce as disastrous effects as the previous measures of England had done;' and as, partly from astonishment, and partly from embarrassment, I preserved silence, Mr. Peel added, 'But will you then do nothing? One word from you would suffice; they have a terrible fear of you; they are all cowards, complete cowards, I assure you.' 'I am sorry to give you pain, my dear Peel, but if we permit these fine fellows to be destroyed, the crime must chiefly be laid at the door of your Government. In this kind of transactions opinion is everything, and the power of employing ourselves usefully in support of the Conservative party has been defeated by the attitude assumed by the English Cabinet.' 'But, after all,' said Mr. Peel, 'cannot we combine? I assure you, that I am convinced our views are quite the same, and I have always to thank you for the friendly relations you have ever preserved towards me, even when our opinions differed.' I answered, that it was not too late to establish a unity of sentiment between our Governments; and we separated, excellent friends, but both much depressed."

On the 4th of November the noble Viscount had entirely changed his opinion; he thought

something ought to be done, and he was willing to enter into mediation with the four Powers. The Duke de Broglie was taken by surprise; but he was of course delighted, and on the 6th of November a note was communicated by the Duke de Broglie to the noble Viscount, which remained with his Lordship until the 16th, and which was finally signed on the 26th. But on the 24th the battle of Lucerne had been fought, and the object proposed by the mediation was at an end. Lucerne was taken, and then commenced that chain of disasters which followed these events. He begged the attention of the House while he read an extract from a despatch written by M. Bois le Comte to M. Guizot, and dated December 2, 1847. The writer said—

"Attaching a just importance to the power of laying before your Excellency the conduct and intentions of the English Cabinet in the late transactions here, I charged M. de Massignac to endeavour to prove, by valid testimony, what as yet was only a suspicion on our part, namely, the double game of Lord Palmerston, in pressing the operations of the army here, while he threw difficulties and caused delays in the negotiations in London, thus rendering the latter nugatory by the operation of the former. I instructed M. de Massignac to endeavour to draw this confession from the mouth of Mr. Peel himself. The following is his letter from Berne:—'The mystery of the mission of the chaplain to the English mission is unravelled. This morning (29th of November, 1847), I called upon the Spanish Minister; after conversing with him on the subject of the letter which I addressed to you this morning, in the correctness of which he fully concurred, 'I should like to know,' said he, 'if Temperley really went to Lucerne to hurry General Dufour's attack on that city?' 'Who doubts it?' said he; 'as for me, I am sure of it, and would put my hand into the fire upon it; I have it from the best authority.' 'I believe you,' said I, 'and I should like much to get Peel to own it before some one besides myself—you, for example.' This very morning the opportunity offered itself. We were discussing Swiss affairs with Layas and Peel. 'No Cabinet in Europe,' observed Peel, 'has comprehended Swiss tactics except the English, and Lord Palmerston ceased to do so when he signed the joint note.' 'Own, at least,' said I, 'that he has made a fine finish, and that you have played us a pretty trick in hastening the march of events.' He was silent. I added, 'Why this mystery? After the game is decided one may confess the part one has played.' 'It is true,' said he, 'I warned General Dufour to finish quickly.'"

He was delighted that the noble Viscount had an opportunity of replying to this charge, which ought to be denied if untrue, because it affected the character of this country. The noble Viscount, with that happy felicity which he possessed of evading a question or creating a cheer, made a

reply to him (Mr. B. Cochrane) on a recent occasion in which he insinuated that he had not read the blue books on this subject. Now, he had read the blue books, and it was by them he judged the noble Viscount, taking them in connexion with the dates of events, and with occurrences not in the blue books which had come to his knowledge. He now begged permission to follow the noble Viscount into his policy in Italy. It was said that the Earl of Minto was invited, by a special letter written by the Pope's own hand, to go to Rome. In October, 1847, Lord Ponsonby wrote to the noble Viscount to tell him that the Pope was in great danger from a political movement in Rome, which made his position very difficult. The Earl of Minto knew this, and he knew also that the reforms that had been made by the Pope had turned against him. He arrived in Rome in November, 1847. Would it be believed that the Earl of Minto, sent to Italy, in the language of the noble Viscount at the head of the Government, to assist in the pacification of Italy, went to the Hotel del'Europe, where, being received with loud acclamations by a set of scoundrels—for he could call them nothing else—the noble Lord came out and cheered in favour of Italian independence? "*Viva l'indipendenza d'Italia*" was the cry of the noble Lord, and it was also the cry of the Republicans in Rome. [Viscount PALMERSTON intimated his dissent.] The noble Viscount shook his head, but he asserted that this was the republican cry. A month after his arrival the Earl of Minto publicly received, in his box at the theatre, one of the lowest of the rabble in Rome—one of those men in great cities who only come out in times of revolution. He alluded to Ciceroacchio, who, as he stated, entered the Earl of Minto's box, and was received by him in the presence of the people. It had been the custom for the Pope to make a progress through the city on the 1st of January, but the Pope had abandoned the design in consequence of his alarm. However, an immense mob of the lowest ruffians, headed by Sterbini and others, as a deputation, marched up to the Quirinal, and insisted upon the Pope's making his progress through the city, which he accordingly did. He remembered nothing like this progress, except the return from Versailles, in 1799. While the Pope's carriage was going down the Corso, Ciceroacchio jumped up behind the Papal carriage and waved a flag, and the whole demon-

stration appeared so dangerous that the Pope fainted. [*A laugh.*] Now, if such matters were to be treated as a joke by hon. Gentlemen opposite—if they arrogated such contempt and indifference, it was of very little use to enter at all upon the discussion of the noble Viscount's foreign policy. It was clear that the Earl of Minto had justly laid himself open to the charge of aiding and abetting rebellion in those countries to which he had been accredited. Shortly afterwards the Earl of Minto visited Naples, and the noble Viscount, in answer to a question put by the hon. Member for Montrose, who expressed very different opinions then from those which he now professed, stated that the Earl of Minto had been invited by the King of Naples to bring about an arrangement between Naples and Sicily. It appeared that the noble Viscount was informed by a private source that the Sicilians were anxious to have the Duke of Genoa as King, and on the 8th of May he wrote to say that the English Government would not oppose any such arrangement. This declaration was communicated to Lord Napier, and early in June the noble Lord wrote to Mr. Consul Goodwin to say that the time had come when a communication might be made to the President of the Sicilian Chambers of the feeling of the noble Viscount the Foreign Secretary. Mr. Goodwin shortly afterwards wrote to Lord Napier to say that he had made this communication to the President, and that he (Mr. Consul Goodwin) had taken it upon himself to tell the President that he might communicate it to the Chambers, by whom it was received with great enthusiasm. This was in June, and on the 5th of July Lord Napier had an interview with the King, in which, according to the words now before him, he told the King that "he had endeavoured to work in His Majesty's interest." Work in His Majesty's interest by corresponding with Consul Goodwin, and promoting the suggestion which had been made for carrying out the views entertained with reference to the Duke of Genoa! Then, on the 11th of July, six days afterwards, a communication was conveyed to the Duke of Genoa through the medium of one of the British vessels; and on this point they were told that, though at first sight it might perhaps appear singular that the Sicilian Commissioners should have been conveyed on board of one of Her Majesty's ships, yet the excuse was to be found in the circum-

stance that no other means of conveyance was at hand. It was impossible that any one could look at the whole of these transactions without a feeling of indignation, and that indignation must be increased by the fact that Lord Napier, writing to Consul Goodwin on the subject of the Calabrian movement, used words to the effect that in a military point of view it would be dangerous for the insurgents to attempt a landing in Calabria, without having the means of keeping up a communication by sea. Did they find him stigmatising the idea of landing at all? or did he believe the monstrous acts of which those insurgents were guilty? The very contrary of all this. Now, these were grave charges against the Government; and they were based on authority which the noble Viscount himself would not attempt to controvert. And it was not these instances alone that could be brought forward. Throughout every part of Italy there was but one feeling, unfounded, some Gentlemen would say, but still universal, that all the misery experienced in that country had been brought about by English interference. In Piedmont the public debt had been augmented 30,000,000*l.* by the policy of the noble Viscount, and every other part of Italy had equally its complaint to make. He would not trouble the House further. He could assure them, however, that he did not stop from want of material, for he had no lack of testimony to prove the charges that he had formerly and now made against the noble Viscount. He would not touch upon Greece, but would merely say to the noble Viscount, that whatever he might choose to call his policy, it was anything but what true English policy ought to be. It was not English policy, because it degraded the great science of international affairs to a petty contest of egotism and selfishness. It was not English policy, because it betrayed the influence of other countries and the honour of our own. It was not English policy, because it was based on coercion of the weak, and concession to the strong. He was happy to have had an opportunity of telling the noble Viscount some of the matters which he had that night brought forward, and he could assure him that none would be happier than himself if he was able to disprove the charges which had been made; but he thought it would be very difficult for either the noble Viscount or the noble Lord at the head of the Government to get the House of Commons

to consider that their foreign policy was English in its spirit. If, however, the vote of that House was in favour of the Government, he had no hesitation in saying that it would be based upon other motives and considerations than an approval of the foreign policy of the noble Viscount.

VISCOUNT PALMERSTON: * Sir, anxious as many Members are to deliver their sentiments upon this most important question, yet I am sure they will feel that it is due to myself, that it is due to this House, that it is due to the country, that I should not permit the second night of this debate to close, without having stated to the House my views upon the matters in question, and my explanation of that part of my conduct for which I have been called to account.

When I say that this is an important question, I say it in the fullest expression of the term. It is a matter which concerns not merely the tenure of office by one individual, or even by a Government; it is a question that involves principles of national policy, and the deepest interests as well as the honour and dignity of England. I cannot think that the course which has been pursued, and by which this question has assumed its present shape, is becoming those, by whose act it has been brought under the discussion of Parliament, or such as fitting the gravity and the importance of the matters which they have thus led this House and the other House of Parliament to discuss. For if that party in this country imagine that they are strong enough to carry the Government by storm, and to take possession of the citadel of office; or, if without intending to measure their strength with that of their opponents, they conceive that there are matters of such gravity connected with the conduct of the Government, that it becomes their duty to call upon Parliament solemnly to record its disapprobation of what has passed, I think that either in the one case or in the other, that party ought not to have been contented with obtaining the expression of the opinion of the House of Lords, but they ought to have sent down their resolution for the consent and concurrence of this House; or, at least, those who act with them in political co-operation here, should themselves have proposed to this House to come to a similar resolution. But, be the road what it may, we have come to the same end; and the House is substantially considering whether they will

adopt the resolution of the House of Lords, or the resolution which has been submitted to them by my hon. and learned Friend the Member for Sheffield.

Now, the resolution of the House of Lords involves the future as well as the past. It lays down for the future a principle of national policy, which I consider totally incompatible with the interests, with the rights, with the honour, and with the dignity of the country; and at variance with the practice, not only of this, but of all other civilised countries in the world. Even the person who moved it was obliged essentially to modify it in his speech. But none of the modifications contained in the speech were introduced into the resolution adopted by the other House. The country is told that British subjects in foreign lands are entitled—for that is the meaning of the resolution—to nothing but the protection of the laws and the tribunals of the land in which they happen to reside. The country is told that British subjects abroad must not look to their own country for protection, but must trust to that indifferent justice which they may happen to receive at the hands of the Government and tribunals of the country in which they may be.

The House of Lords has not said that this proposition is limited to constitutional countries. The House of Lords has not said that the proposition is inapplicable, not only to arbitrary and despotic countries, but even to constitutional countries where the courts of justice are not free; although these limitations were stated in the speech. The country is simply informed by the resolution, as it was adopted, that, so far as foreign nations are concerned, the future rule of the Government of England is to be, that, in all cases, and under all circumstances, British subjects are to have that protection only, which the law and the tribunals of the land in which they happen to be, may give them.

Now, I deny that proposition; and I say it is a doctrine on which no British Minister ever yet has acted, and on which the people of England never will suffer any British Minister to act. Do I mean to say that British subjects abroad are to be above the law, or are to be taken out of the scope of the laws of the land in which they live? I mean no such thing; I contend for no such principle. Undoubtedly, in the first instance, British subjects are bound to have recourse for redress to the means which the law of the land affords

them, when that law is available for such purpose. That is the opinion which the legal advisers of the Crown have given in numerous cases; and it is the opinion on which we have founded our replies to many applications for our interposition in favour of British subjects abroad. And allow me, at the first moment when I have occasion to mention the legal advisers of the Crown, to say, that I heard with pain aspersions cast from a quarter from which they ought not to have come, upon the person who is the legal adviser of the office which I have the honour to hold. I should have thought that a person who by his own experience must have known, not only the learning, but the independence of mind, and the sense of justice that characterise the distinguished individual who holds the office of Queen's Advocate, would have abstained from those aspersions which have been cast upon that meritorious officer.

Perhaps I may have deviated from the strict orders of the House in what I have said; but I felt it due to an honourable-minded man to give my testimony on the earliest occasion that presented itself, to the independence and integrity of his character.

I say then, that if our subjects abroad have complaints against individuals, or against the Government of a foreign country, if the courts of law of that country can afford them redress, then, no doubt, to those courts of justice the British subject ought in the first instance to apply; and it is only on a denial of justice, or upon decisions manifestly unjust, that the British Government should be called upon to interfere. But there may be cases in which no confidence can be placed in the tribunals, those tribunals being, from their composition and nature, not of a character to inspire any hope of obtaining justice from them. It has been said, "We do not apply this rule to countries whose Governments are arbitrary or despotic, because there the tribunals are under the control of the Government, and justice cannot be had; and, moreover, it is not meant to be applied to nominally constitutional Governments, where the tribunals are corrupt." But who is to be the judge in such a case, whether the tribunals are corrupt or not? The British Government, or the Government of the State from which you demand justice?

I will take a transaction that occurred not long ago, as an instance of a case in

which, I say, the people of England would not permit a British subject to be simply amenable to the laws of the foreign country in which he happened to be. I am not going to talk of the power of sending a man arbitrarily to Siberia; nor of a country, the constitution of which vests despotic power in the hands of the Sovereign. I will take a case which happened in Sicily, where not long ago a decree was passed, that any man who was found with concealed arms in his possession should be brought before a court-martial, and, if found guilty, should be shot. Now, this happened. An innkeeper of Catania was brought before a court-martial, accused under this law by some police officers, who stated that they had discovered in an open bin, in an open stable in his inn-yard, a knife, which they denounced as a concealed weapon. Witnesses having been examined, the counsel for the prosecution stated that he gave up the case, as it was evident there was no proof that the knife belonged to the man, or that he was aware it was in the place where it was found. The counsel for the defendant said, that such being the opinion of the counsel for the prosecution, it was unnecessary for him to go into the defence, and he left his client in the hands of the court. The court, however, nevertheless pronounced the man guilty of the charge brought against him, and the next morning the man was shot.

Now, what would the English people have said if this had been done to a British subject? and yet everything done was the result of a law, and the man was found guilty of an offence by a tribunal of the country.

I say, then, that our doctrine is, that, in the first instance, redress should be sought from the law courts of the country; but that in cases where redress cannot be so had—and those cases are many—to confine a British subject to that remedy only, would be to deprive him of the protection which he is entitled to receive.

Then the question arises, how does this rule apply to the demands we have made upon Greece? And here I must shortly remind the House of the origin of our relations with Greece, and of the condition of Greece; because those circumstances are elements that must enter into the consideration of the course we have pursued.

It is well known that Greece revolted from Turkey in 1820. In 1827, England,

France, and Russia determined upon interposing, and ultimately, in 1828, they resolved to employ forcible means in order to bring Turkey to acknowledge the independence of Greece. Greece, by protocol in 1830, and by treaty in 1832, was erected into a separate and independent State. And whereas nearly from the year 1820 up to the time of that treaty of 1832, when its independence was finally acknowledged, Greece had been under a republican form of government, with an Assembly and a President, the three Powers determined that Greece should thenceforth be a monarchy. But while England assented to that arrangement, and considered that it was better that Greece should assume a monarchical form of government, yet we attached to that assent an indispensable condition, that Greece should be a constitutional monarchy. The British Government could not consent to place the people of Greece, in their independent political existence, under as arbitrary a government as that from which they had revolted. Consequently, when the three Powers, in the exercise of that function which had been devolved upon them by the authority of the General Assembly of Greece, chose a Sovereign for Greece (for that choice was made in consequence of, and by virtue of the authority given to them by the General Assembly of Greece), and when Prince Otho of Bavaria, then a minor, was chosen; the three Powers, on announcing the choice they had made, at the same time declared that King Otho would, in concert with his people, give to Greece constitutional institutions.

The choice and that announcement were ratified by the King of Bavaria in the name, and on the behalf, of his son. It was however understood, that during the minority of King Otho, the establishment of the constitution should be suspended; but that when he came of age, he should enter into communication with his people, and, together with them, arrange the form of constitution to be adopted. King Otho came of age, but no constitution was given. There was a disinclination on the part of his advisers to counsel him to fulfil that engagement. The Government of England expressed an opinion, through various channels, that that engagement ought to be fulfilled. But opinions of a different kind reached the Royal ear from other quarters. Other Governments, naturally—I say it without implying any imputation—are attached to their own

forms. Each Government thinks its own form and nature the best, and wishes to see that form, if possible, extended elsewhere. Therefore, I do not mention this with any intention of casting the least reproach upon Russia, or Prussia, or Austria. Those three Governments at that time were despotic. Their advice was given, and their influence was exerted to prevent the King of Greece from granting a constitution to his people. We thought, however, that in France we might find sympathy with our political opinions, and support in the advice which we wished to give. But we were unfortunate. The then Government of France, not at all undervaluing constitutional institutions, thought that the time was not yet come when Greece could be ripe for representative government. The King of Bavaria leaned also to the same side. Therefore, from the time when the King came of age, and for several years afterwards, the English Government stood in this position in Greece with regard to its Government—that we alone were anxious for the fulfilment of the engagement of the King, while all the other Powers who were represented at Athens, were averse to its being made good, or at least were not equally desirous of urging it upon the King of Greece. This necessarily placed us in a situation, to say the least of it, of disfavour on the part of the agents of those Powers, and on the part of the Government of Greece. I was sorry for it; at the same time, I don't think the people of this country will be of opinion that we ought, for the sake of obtaining the mere good-will of the Greek Government, to have departed from the principle which we had laid down from the beginning. But it was so; and when people talk of the antagonistic influences which were in conflict at the Greek Court; and when people say, as I have heard it said, that our Ministers, and the Ministers of foreign Governments, were disputing about the appointment of mirarchs and nomarchs, and God knows what petty officers of the State, I say that, as far as our Minister was concerned, that is a statement entirely at variance with the fact. Our Minister, Sir Edmund Lyons, never, during the whole time he was in Greece, asked any favour of any sort or kind, for himself, or for any friend. No conduct of that mean, and low, and petty description was carried on by any person connected with the English Government. It was known that we wish-

ed the Greek nation should have representative institutions, while, on the other hand, other influences were exerted the other way; and that, and that only, was the ground of the differences which existed.

One of the evils of the absence of constitutional institutions was, that the whole system of government grew to be full of every kind of abuse. Justice could not be expected where the judges of the tribunals were at the mercy of the advisers of the Crown. The finances could not be in any order where there was no public responsibility on the part of those who were to collect or to spend the revenue. Every sort of abuse was practised.

In all times, in Greece, as is well known, there has prevailed, from the daring habits of the people, a system of compulsory appropriation—forcible appropriation by one man of that which belonged to another; which, of course, is very disagreeable to those who are the victims of the system, and exceedingly injurious to the social condition, improvement, and prosperity of the country. In short, what foreigners call brigandage, which prevailed under the Turkish rule, has not, I am sorry to say, diminished under the Greek Sovereignty. Moreover, the police of the Greek Government have practised abuses of the grossest description; and if I wanted evidence on that subject, I could appeal to the hon. Gentleman who has just sat down, who, in a pamphlet, which all must have read, or ought to read, has detailed instances of barbarity of the most revolting kind practised by the police. I have here depositions of persons who have been subjected to the most abominable tortures which human ingenuity could devise—tortures inflicted upon both sexes most revolting and disgusting. One of the officers, a man of the name of Tzino, at the head of the police, was himself in the habit of inflicting the most diabolical tortures upon Greeks and upon foreigners, Turks, and others. This man Tzino, instead of being punished as he ought to have been, and as he deserved to be, not only by the laws of nature, but by the laws of Greece—this person, I am sorry to say, is held in great favour in quarters where he ought to have received nothing but marks of indignation.

Well, this being the state of things in Greece, there have always been in every town in Greece a great number of persons whom we are bound to protect—Mal-

tese, Ionians, and a certain number of British subjects. It became the practice of this Greek police to make no distinction between the Maltese and Ionians, and their own fellow-subjects. We shall be told, perhaps, as we have already been told, that if the people of the country are liable to have heavy stones placed upon their breasts, and police officers to dance upon them; if they are liable to have their heads tied to their knees, and to be left for hours in that state; or to be swung like a pendulum, and to be bastinadoed as they swing, foreigners have no right to be better treated than the natives, and have no business to complain if the same things are practised upon them. We may be told this, but that is not my opinion, nor do I believe it is the opinion of any reasonable man. Then, I say, that in considering the cases of the Ionians, for whom we demanded reparation, the House must look at and consider what was the state of things in this respect in Greece; they must consider the practices that were going on, and the necessity of putting a stop to the extension of these abuses to British and Ionian subjects by demanding compensation, scarcely indeed more than nominal in some cases, but the granting of which would be an acknowledgment that such things should not be done towards us in future.

In discussing these cases, I am concerned to have to say that they appear to me to have been dealt with elsewhere, in a spirit, and in a tone, which I think was neither befitting the persons concerning whom, nor the persons by whom, nor the persons before whom, the discussion took place. It is often more convenient to treat matters with ridicule, than with grave argument; and we have had serious things treated jocously; and grave men kept in a roar of laughter, for an hour together, at the poverty of one sufferer, or at the miserable habitation of another; at the nationality of one injured man, or the religion of another; as if because a man was poor he might be bastinadoed and tortured with impunity; as if a man who was born in Scotland might be robbed without redress; or, because a man is of the Jewish persuasion, he is fair game for any outrage. It is a true saying, and has often been repeated, that a very moderate share of human wisdom is sufficient for the guidance of human affairs. But there is another truth, equally indisputable, which is, that a man who aspires to govern mankind, ought to bring to the task, generous senti-

ments, compassionate sympathies, and noble and elevated thoughts.

Now, Sir, with regard to these cases, I would take first, that which I think would first present itself to the mind of an Englishman—I mean the insult offered by the arrest of the boat's crew of Her Majesty's ship *Fantome*. The time has been, when a man aspiring to a public situation, would have thought it his duty to vindicate the honour of the British Navy. Times are changed. It is said that in this case there were only a few sailors taken out of a boat by some armed men—that they were carried to the guard-house, but were soon set at liberty again—and why should we trouble our heads about so small a matter? But did we ask anything extraordinary or unreasonable on account of this insult? What we asked was an apology. I really did not expect to live to see the day, when public men in England could think that in requiring an apology for the arbitrary and unjustifiable arrest of a British officer and British seamen in the performance of their duty, we were making a demand "doubtful in its nature, and exaggerated in its amount." Now, what is the history of this case? for circumstances have been referred to, in connexion with it, which do not appear from the statement of the case itself. The son of the Vice-consul, who had dined on board the *Fantome*, was taken ashore in the evening by the coxswain and a boat's crew, and landed on the beach. The coxswain accompanied the young gentleman to his father's house, and on returning to the boat, was taken prisoner by the Greek guard. The guard went down to the boat, and, finding the seamen in it were without arms, began thumping them with the butt-ends of their muskets, and wounded one man in the hand by a thrust with a bayonet. The guard then took the seamen prisoners, and carried them to the guard-house where after a certain time they were released through the interposition of the Vice-consul, and they returned to their ship. Excuses were given for this proceeding, and the gist of them was this—that the guard thought the boat belonged to the *Spitfire*, and that it had been seen landing rebels, one of whom had escaped; this supposed rebel being a boy of fourteen years old, who had returned quietly to his father's house.

The matter to which these excuses related, occurred a little while before, in consequence of the disorganised state of Greece—a disorganisation, by the by,

which arises entirely from the acts of the Government; because it has been, and still is, the practice of the Government, instead of punishing brigands, to amnesty and pardon them; and indeed it is even supposed that the officers of police sometimes go shares in the plunder. That, however, is a matter of opinion; but it is a fact that the robbers are almost always pardoned; and such is the encouragement thereby given to the system of plunder, that the robbers go about armed in bands, and sometimes actually attack and occupy towns.

An instance of this kind happened at Patras. Merenditi, the leader of a band of robbers, attacked Patras; the governor had an armed force under his orders; but, either from a determination to follow the example set by the Government of showing deference to the robbers, or because he thought that discretion is the better part of valour, he fled, and left the town to the mercy of the banditti. The inhabitants, finding themselves deserted by their natural defenders, threw themselves on the protection of the foreign consular body; and begged and entreated that the Consuls would intercede for them, and make some arrangement with the robbers. Our Consul accordingly, at the intercession and with the authority of the principal inhabitants of Patras, entered into an arrangement with the leader of the robbers, by which that leader consented to forego the plunder of the town, on condition that he should receive a certain sum of money, and be conveyed away from the town in safety by one of the British ships of war. The people of Patras were thankful. The money required by the robbers, which was reduced by negotiation to one-half of their original demand, was collected and deposited in the hands of the Vice-consul. Merenditi marched down to the quay to embark; when the governor, who had run away from danger, now advanced boldly with his men, and endeavoured to attack the robbers' rear-guard, and to take some of them prisoners before they could embark. Our officers, however, said, "No. There is not only honour amongst thieves, but honour to be observed towards thieves. We were asked to make an arrangement, and to give our guarantee—we will abide by that guarantee, and protect this man and his band." Accordingly he was protected, and went off with the ransom paid by the inhabitants of the town. This was the matter which was alluded to, when the Greek authorities said, that the guard sup-

posed the boats' crew, whom they made prisoners, had been landing rebels from the *Spitfire*—they pretended to suppose that the boat had landed some of Merenditi's band. Surely no defence is necessary for having demanded an apology for an insult offered to the British Navy. I am induced to believe that the Governments of other countries would have taken more severe measures under similar circumstances.

I now come to the case of the Ionians, who were plundered in the custom-house at Salcina. These men were passing by in their boats; they were summoned to go in by the officer in command, and when in, they were robbed. The men who robbed them were dressed like soldiers, but were said to be banditti. The customs officer alleged that he was beaten by the robbers, and compelled by them to order the Ionians to enter the custom-house. It must be remembered, however, that a Greek vessel lying in the custom-house was not plundered; while the Ionians were plundered, stripped of their clothes, and severely beaten. It is absurd to compare a case of this kind with that of travellers attacked by robbers in passing through a country.

If the Government officer was not acting in connivance with the robbers, still, when foreigners were decoyed into a Greek custom-house by one of its officers, and were there beaten and plundered, the Greek Government must be held responsible for what was done. This, however, is said to be a case in which the unhappy Ionian boatmen ought to have gone to law. I should like to know whom they could have prosecuted? In this instance, our demand was moderate; we asked nothing for the indignity and injury the men had suffered, but simply the amount of which they had been robbed.

I next come to the case of the two Ionians, who, very innocently, as they imagined, on a national festival, according to the custom of their own country, ornamented their little booths, in which they sold trifling articles, with flags. The police interfered, and took down the flags. Some discussion arose about indignity offered to the British flag. The matter was not satisfactorily explained, but we let it drop. We did not insist on that; and, if that had been all, nothing further would have been said. But the Ionians were arrested, manacled, and thumbscrewed; and in that state paraded through the town, and put in prison. It was said, "How could

they go to prison except through the streets?" True; but there was no necessity for taking them through streets which did not lie in their way. They were paraded, by way of insult, through the streets of Patras, and dismissed next day, because no charge could be maintained against them. Then it was said that the application of the thumbscrew had not maimed them for life. Had that indeed been the case, the men would have been entitled to compensation; but for a very little thumbscrewing, applied only during an evening walk, no compensation ought to have been required. I am of a different opinion. Thumbscrews are not as easy to wear as gloves, which can be put on and pulled off at pleasure. We therefore felt it necessary to require, in this case, the moderate compensation of 20*l.* each, for the men who had been ill-treated; and the more so, because of the habitual infliction of torture by the police.

Then came the case of two men, whose houses being infested by disagreeable insects, thought proper in hot weather to sleep in the streets. They were taken up by the police, carried before an officer, and severely flogged with a whip, in the sight of persons who deposed to the fact. What right had the Greek authorities to flog these men? They had committed no offence; there had been no trial, no condemnation, no sentence. In this case, also, compensation was demanded, as a token that persons under British protection cannot be ill-treated with impunity.

Then I come to the case of Mr. Finlay. It is said that he is "a cannie Scot;" that he speculated in land, buying in the cheapest, and wishing to sell in the dearest market. His land was taken by the King of Greece, for purposes of private enjoyment. Nobody will deny that it is fitting the Sovereign of Greece should have a palace; and, if it was necessary to take Mr. Finlay's ground for its site, or for the garden attached to it, Mr. Finlay himself made no objection to that. All that Mr. Finlay wanted, was to be paid for his land. It is said that Mr. Finlay bought his land at a very cheap rate. That was a matter with which the Greek Government had nothing to do; they had only to pay Mr. Finlay what was the value of the land at the time when they took it from him.

The conduct of the Greek Government in Mr. Finlay's case was very different from that of Frederick the Great in a

similar case towards one of his subjects, a man of humble rank. This man refused to sell to his sovereign a little bit of ground on which a windmill stood, the ground being necessary for the completion of a magnificent plan of a residence for the monarch. The conduct of the King of Prussia was very different from that of the King of Greece. The King of Prussia, though a conqueror in the field, and the absolute monarch of a great country, respected the rights of a subject however humble; and not only left the monument of the independence of his subject, standing in the midst of his ornamented grounds; but used to point to it with pride; feeling that it was a proof, that though he was great and powerful, he knew how to respect the rights of the meanest. For fourteen long years Mr. Finlay was driven from pillar to post, put off with every sort of shuffling and evasive excuse, and deprived of compensation for his land, unless he would take what was wholly inadequate.

In 1843 came a revolution. Till 1843 the Greek Government had continued arbitrary; the King declining, under the circumstances I have mentioned, to grant a constitution. In 1843 the patience of the Greeks was exhausted. They rose in Athens, and extorted by force that which had been refused to reason. When the constitution was granted, courts of justice were established, which were not indeed independent, because the judges were liable, not only to be removed from one court to another, but to be entirely dismissed at the will of the Sovereign; still in 1843 there were courts to which Mr. Finlay might, as it has been stated, have applied. But they had no competence with respect to events which had happened before their creation. Mr. Finlay, therefore, had no remedy. But I have heard it most triumphantly, distinctly, positively asserted, that this case exhibits the bad faith of the English Government; for that at the time when Mr. Wyse made his demands on the Greek Government, we and he knew that the case of Mr. Finlay was absolutely, finally, and conclusively settled. No such thing. That is an assertion absolutely, finally, and conclusively at variance with the truth.

There had been an agreement made for arbitration in this case; and a most curious sample it affords of the manner in which things are carried on in Greece. Mr. Finlay said, "I will submit my claim to arbitration." "By all means," was

the reply of the Greek Government; "you shall name one arbiter and we another." But Mr. Finlay has been described as "a cannie Scot," and looking far into the future, he foresaw a possibility, which might have struck a man even not so far north, that the two arbiters might differ; and he suggested that an umpire should be appointed. The Greek Government said, "You are quite right. We see how it is, and we will appoint one." But Mr. Finlay, being a sensible man, did not like to submit his case to a tribunal where there would be two to one against him, and so he declined that arbitration. The Greek Government then gave up this unreasonable proposal, which they had made just as if it had been quite a matter of course, and a commission of arbitration was agreed upon, consisting of two respectable people, and an umpire properly appointed. If that arbitration had gone on, and the money awarded by it had been paid, Mr. Finlay's case would have been absolutely, finally, and conclusively settled. But by the law of Greece, arbiters so appointed must pronounce an award within three months, or, if they don't, then the arbitration falls, and drops to the ground. The commissioners could not make their award without certain documents, which could only be furnished by an officer of the Greek Government. This officer, by some unfortunate accident, did not furnish them, and the arbitration fell to the ground by efflux of time.

Therefore, when Baron Gros came to inquire into the matter, he found this case just as it had been, when Mr. Finlay first made his complaint. Baron Gros said to Mr. Finlay, "Why, your claim is settled." "Settled? No," said Mr. Finlay. "Why, have you not received your money?" "Not a farthing; and I don't know what amount I am to receive." In short, his case was exactly in the same state in which it was before the arbitration had been agreed to.

That was a case in which we made no specific demand. The only specific demand was, that Mr. Finlay should receive whatever the value of his land should be found to be. We fixed no sum; we were unable to fix any; and the sum he received afterwards was the amount which the two arbiters, one named by Mr. Finlay, the other by the Greek Government, were prepared to award, splitting the difference between their respective estimates. I don't think that in that case, the claim

was either doubtful in justice, or exaggerated in amount.

Then we come to the claim of M. Pacifico—a claim which has been the subject of much unworthy comment. Stories have been told, involving imputations on the character of M. Pacifico; I know nothing of the truth or falsehood of these stories. All I know is, that M. Pacifico, after the time to which those stories relate, was appointed Portuguese consul, first to Morocco and afterwards at Athens. It is not likely that the Portuguese Government would select for appointments of that kind, a person whose character they did not believe to be above reproach. But I say, with those who have before had occasion to advert to the subject, that I don't care what M. Pacifico's character is. I do not, and cannot admit, that because a man may have acted amiss on some other occasion, and in some other matter, he is to be wronged with impunity by others.

The rights of a man depend on the merits of the particular case; and it is an abuse of argument to say, that you are not to give redress to a man, because in some former transaction he may have done something which is questionable. Punish him if you will—punish him if he is guilty, but don't pursue him as a Pariah through life.

What happened in this case? In the middle of the town of Athens, in a house which I must be allowed to say is not a wretched hovel, as some people have described it; but it does not matter what it is, for whether a man's home be a palace or a cabin, the owner has a right to be there safe from injury—well, in a house which is not a wretched hovel, but which in the early days of King Otho was, I am told, the residence of the Count Armanberg, the Chief of the Regency—a house as good as the generality of those which existed in Athens before the Sovereign ascended the throne—M. Pacifico, living in this house, within forty yards of the great street, within a few minutes' walk of a guard-house, where soldiers were stationed, was attacked by a mob. Fearing injury, when the mob began to assemble, he sent an intimation to the British Minister, who immediately informed the authorities. Application was made to the Greek Government for protection. No protection was afforded. The mob, in which were soldiers and gens-d'armes, who, even if officers were not with them, ought, from a sense of duty, to have interfered and to have prevented

plunder—that mob, headed by the sons of the Minister of War, not children of eight or ten years old, but older—that mob, for nearly two hours, employed themselves in gutting the house of an unoffending man, carrying away or destroying every single thing the house contained, and left it a perfect wreck.

Is not that a case in which a man is entitled to redress from somebody? I venture to think it is. I think that there is no civilised country where a man subjected to such grievous wrong, not to speak of insults and injuries to the members of his family, would not justly expect redress from some quarter or other. Where was he to apply for redress at Athens? The Greek Government neglected its duty, and did not pursue judicial inquiries, or institute legal prosecutions as it might have done for the purpose of finding out and punishing some of the culprits. The sons of the Minister of War were pointed out to the Government as actors in the outrage. The Greek Government were told to “search a particular house; and that some part of M. Pacifico’s jewels would be found there.” They declined to prosecute the Minister’s sons, or to search the house. But, it is said, M. Pacifico should have applied to a court of law for redress. What was he to do? Was he to prosecute a mob of five hundred persons? Was he to prosecute them criminally, or in order to make them pay the value of his loss? Where was he to find his witnesses? Why, he and his family were hiding or flying, during the pillage, to avoid the personal outrages with which they were threatened. He states, that his own life was saved by the help of an English friend. It was impossible, if he could have identified the leaders, to have prosecuted them with success.

But what satisfaction would it have been to M. Pacifico to have succeeded in a criminal prosecution against the ringleaders of that assault? Would that have restored to him his property? He wanted redress, not revenge. A criminal prosecution was out of the question, to say nothing of the chances, if not the certainty, of failure in a country where the tribunals are at the mercy of the advisers of the crown, the judges being liable to be removed, and being often actually removed upon grounds of private interest and personal feeling. Was he to prosecute for damages? His action would have lain against individuals, and not, as in this

country, against the hundred. Suppose he had been able to prove that one particular man had carried off one particular thing, or destroyed one particular article of furniture; what redress could he anticipate by a lawsuit, which, as his legal advisers told him, it would be vain for him to undertake? M. Pacifico truly said, “If the man I prosecute is rich, he is sure to be acquitted; if he is poor, he has nothing out of which to afford me compensation if he is condemned.”

The Greek Government having neglected to give the protection they were bound to extend, and having abstained from taking means to afford redress, this was a case in which we were justified in calling on the Greek Government for compensation for the losses, whatever they might be, which M. Pacifico had suffered. I think that claim was founded in justice. The amount we did not pretend to fix. If the Greek Government had admitted the principle of the claim, and had objected to the account sent in by M. Pacifico—if they had said, “This is too much, and we think a less sum sufficient,” that would have been a question open to discussion, and which our Ministers, Sir E. Lyons at first, or Mr. Wyse afterwards, would have been ready to have gone into, and no doubt some satisfactory arrangement might thus have been effected with the Greek Government. But the Greek Government denied altogether the principle of the claim. Therefore, when Mr. Wyse came to make the claim, he could not but demand that the claim should be settled, or be placed in train of settlement, and that within a definite period, as he fixed it, of twenty-four hours.

Whether M. Pacifico’s statement of his claim was exaggerated or not, the demand was not for any particular amount of money. The demand was, that the claim should be settled. An investigation might have been instituted, which those who acted for us were prepared to enter into, fairly, dispassionately, and justly.

M. Pacifico having, from year to year, been treated either with answers wholly unsatisfactory, or with a positive refusal, or with pertinacious silence, it came at last to this, either that his demand was to be abandoned altogether, or that, in pursuance of the notice we had given the Greek Government a year or two before, we were to proceed to use our own means of enforcing the claim. “Oh! but,” it is said, “what an ungenerous proceeding to employ so large a force against so small a Power!”

Does the smallness of a country justify the magnitude of its evil acts? Is it to be held that if your subjects suffer violence, outrage, plunder in a country which is small and weak, you are to tell them when they apply for redress, that the country is so weak and so small that we cannot ask it for compensation? Their answer would be, that the weakness and smallness of the country make it so much the more easy to obtain redress. "No," it is said, "generosity is to be the rule." We are to be generous to those who have been ungenerous to you; and we cannot give you redress because we have such ample and easy means of procuring it.

Well, then, was there anything so uncourteous in sending, to back our demands, a force which should make it manifest to all the world that resistance was out of the question? Why, it seems to me, on the contrary, that it was more consistent with the honour and dignity of the Government on whom we made those demands, that there should be placed before their eyes a force, which it would be vain to resist, and before which it would be no indignity to yield. If we had sent merely a frigate and a sloop of war, or any force with which it was possible their forces might have matched, we should have placed them in a more undignified position by asking them to yield to so small a demonstration. Therefore, so far from thinking that the amount of the force which happened to be on the spot was any aggravation of what is called the indignity of our demand, it seems to me that the Greek Government, on the contrary, ought rather to have considered it as diminishing the humiliation, whatever it might be, of being obliged to give at last to compulsion, that which had been so long refused to entreaty.

Well, then, however, did we, in the application of that force, either depart from established usage, or do anything that was unnecessarily pressing on the innocent and unoffending population of Greece? I say the innocent and unoffending population, because it was against the Government, and not against the nation, that our claim for redress was directed. The courses that may be pursued in cases where wrong is done by one Government towards the subjects of another, are various. One is, what is commonly called "reprisals;" that is, the seizing something of value, and holding it in deposit until your demands are complied with; or, if you fail in that, and don't choose to

resort to other methods, applying that which you have seized, as a compensation for the wrong sustained. That is one method. Another is the modified application of war—such as a blockade—a measure frequently adopted by the Governments of maritime States when they demand redress for injuries. Last come actual hostilities. Many instances of such measures have been quoted in this debate as having been adopted by the Governments of other countries, especially by the French Government, when they have had a demand to make for injuries sustained by their subjects; and, by the by, when people complain of the peremptory manner in which our demand was made, and the shortness of the time allowed for consideration, I wish to call to the recollection of hon. Gentlemen what was done by the French squadron no longer ago than 1848.

There was an insurrection at Naples, in May, 1848. The great street of the town was filled with barricades, and the troops had to force those barricades. To do that, they were obliged to occupy the houses right and left, in order to turn those defences; and as they forced one house after another, and passed on from house to house, they neglected to leave any guards behind them. They were followed by the Lazzaroni, and the houses were plundered. Some French people whose shops were thus rifled, complained to the French Minister, and to the French Admiral—there being then a French squadron before the port of Naples. The French Admiral, Admiral Baudin, quite cut out Sir W. Parker, and, being applied to by those French citizens, he sails up the bay, lays his ships broadside to, in front of the palace, and writes a note to the Government to say, that he has been called on by his countrymen to protect them; and he adds—that letter being dated half-past one on the 17th of May—that unless by three o'clock of that very day he obtains a satisfactory assurance—a satisfactory assurance that his countrymen shall be efficiently protected, reserving, he says, for future discussion their claims for compensation—but—

"unless in one hour and a half I get, on board this ship, a satisfactory assurance that they shall be efficiently protected, I shall land the crews of my fleet, and will take care of them myself."

Well, then, I say that Sir W. Parker acted with the greatest moderation in enforcing our demands. He began with reprisals, not with a blockade, wishing to

avoid all unnecessary interruption to the commerce of other countries. But he made reprisals in a way which I believe has not often been adopted. The Government was the offending party, and he took possession of vessels belonging to the Government. Now, that is not the usual plan, and for very good reasons.

Vessels belonging to Governments are armed. They may feel it to be their duty to defend themselves. To seize armed vessels would therefore probably lead to bloodshed; and reprisals are generally effected by seizing merchant vessels belonging to the country on whom the demand is made. But, the disparity of force being so great on this occasion, Sir W. Parker began by seizing the few armed vessels belonging to the State. He then gave the Government time to reflect upon that demonstration. It was not attended to. Even then he did not immediately proceed to make reprisals upon merchant vessels. He first laid an embargo upon them. He gave notice that he had placed a lien upon them, and that they must not quit their ports. That failed; then he took merchant vessels, but only a limited number, and placed them under the custody of his fleet, avoiding to subject commerce in general to any greater degree of restraint than was unavoidably necessary for the execution of his instructions. It has been said, that we seized upon fishing-boats, and interrupted the coasting trade. I don't believe that. On the contrary, I believe that the embargo did not extend to fishing-boats, or to vessels of small tonnage employed in the coasting trade of the country.

Well, Sir, in that state of things, the French Government offered us their good offices and mediation. We readily and cheerfully accepted their good offices. We accepted them by a note of the 12th of February, which has been laid on the table, and in which we distinctly stated the grounds and conditions on which, and the extent to which, those good offices were accepted.

There could be no mistake between the English and French Governments upon that point. We took as our precedent the course that was pursued in the sulphur questions at Naples, when M. Thiers was Minister. In that case, we stated, that reprisals would be suspended the moment any French Minister on the spot declared himself authorised to negotiate. In the present case we went further, and said, that the moment the good offices of France

were officially offered and officially accepted, we would send out instructions that the further making of reprisals should be suspended. In both cases we said we could not release the ships that had been detained, because by so doing we should give up the security which we held in our hands against the offending Government.

It has been stated that a misunderstanding arose between the Governments of France and England, in the course of the mediation, good offices, or whatever it may be called. I cannot say that there was any misunderstanding between M. Drouyn de Lhuys and myself, because it will be seen from his own despatches laid before the French Chamber, that he clearly understood the conditions on which the good offices of France were accepted. He repeatedly states that England gives up none of her demands—that is to say, that she gives up none of the principles of her demands; and that the only questions which the French negotiator is competent to discuss, are those which do not involve the negation of the principles of our demands. Well, what were those questions? They were only the amount of money to be given to Mr. Finlay and to M. Pacifico, but not the question whether those gentlemen were to receive anything or nothing.

Then the question arose between us, what were the circumstances under which the good offices were to cease, and coercive measures were to be resumed; and it was distinctly understood on my part, as well as on that of M. Drouyn de Lhuys, that Mr. Wyse was not to take upon himself to determine when Baron Gros' mission had failed; and that it was only when Baron Gros' should have announced that his mission had ceased, that Mr. Wyse was to resume coercive measures. It was further agreed between us, and especially on the 9th of April, that if a difference of opinion arose between Baron Gros and Mr. Wyse, on those points which Baron Gros was competent to discuss, Mr. Wyse was not to stand out absolutely on his difference, and that if he did not find it possible to give way, he was, instead of saying, "Now, Baron Gros, your mission is at end," to refer home for further instructions. It is said that it was wrong of me not to have sent out to Mr. Wyse information of that understanding come to on the 9th of April with M. Drouyn de Lhuys. Well, but in the first place I had already sent to Mr. Wyse, on the 25th of March, instructions which, if acted on in the spirit in which

they were written, would render such a reference home altogether unnecessary. And they did render such reference home altogether unnecessary; because at last, when Baron Gros and Mr. Wyse came to the point of difference as to the amount of money to be paid, and Baron Gros said, "I would counsel the Government of Greece to pay 150,000 drachmas," while Mr. Wyse said, he was ready to accept 180,000 drachmas, Mr. Wyse at last, much more prudently than if he had referred this difference home, and had exposed Greek commerce to the restraint to which a continuance of the *status quo* would have subjected it for a whole month, said, "I will, if other things are agreed to, come down to your amount—I will waive my own opinion, and accept the sum you are willing to recommend the Greek Government to give." Therefore practically, I say, and in the result, the case did not arise to which those instructions could have applied.

Those instructions, if they had reached Mr. Wyse, would not have applied to the difference which did arise between him and Baron Gros; for that difference was this—it turned upon the claims of M. Pacifico. Baron Gros, on the 16th of April, was willing to recommend to the Greek Government to take an engagement to investigate the claims of M. Pacifico, in regard to the destruction of his Portuguese documents; and to pay him whatever might be the amount which, upon investigation, he might prove to be entitled to on that account; and to make a deposit of 150,000 drachmas as a pledge for the good faith with which they would execute that engagement. The only difference between Baron Gros and Mr. Wyse upon that occasion was, that Baron Gros proposed that the deposit, which they had both agreed should consist of shares of the Bank of Athens, should be left in the Bank of Athens; whereas Mr. Wyse required that it should be deposited either in the Bank of England, or, if the Greek Government preferred it, in the Bank of France. That seemed to be a difference that might be easily settled. But, on the 22nd of April, Baron Gros altered his opinion. He retracted his opinion upon that point, and stated that later information from Portugal had convinced him, that M. Pacifico's claim, in reference to the destruction of his Portuguese documents, was wholly unfounded. Baron Gros said he would no longer consent to recommend the Greek Government to enter into any engagement to pay any-

thing to M. Pacifico on that account. He would agree to an investigation, but only provided that Portugal, and not the Greek Government, should pay what might turn out to be due. But this was a point which Baron Gros was not competent to discuss. This new view of his, would have been a negation of the principle upon which one of our claims rested; and, there being a difference of that kind between Mr. Wyse and Baron Gros, Mr. Wyse had no occasion to refer for fresh instructions—for he had received detailed instructions from me in a despatch, dated the 25th of March, sufficient to guide his conduct upon that point.

Baron Gros then withdrew from the negotiation, and that withdrawal was officially communicated, not only to Mr. Wyse, but to the Greek Government also. On the 24th, however, he received a despatch from General Lahitte, giving an account of the conversation which had passed between me and M. Drouyn de Lhuys on the 9th; an account, by the way, which was not quite accurate, because it made me say that, if any difference arose between Baron Gros and Mr. Wyse, Mr. Wyse should refer home for instructions; whereas all that I agreed to was, that such reference should be made in the case of irreconcilable difference between them, as to the amount of money to be paid by the Greek Government for those claims, in regard to which we had not specified fixed sums; that is to say, for Mr. Finlay's land and for M. Pacifico's losses of furniture and goods at Athens. Baron Gros then proposed to withdraw the note, by which he had announced officially the cessation of his functions, and he asked that his draft of arrangement, together with Mr. Wyse's draft, should be referred to London for decision.

An impression has gone abroad that on that occasion (the 24th) Baron Gros received, and communicated to Mr. Wyse, not merely an account of the conversation between me and M. Drouyn de Lhuys on the 9th of April, but an account of the essential bases and an announcement of the expected arrival of the draft of convention which had been proposed to me by M. Drouyn de Lhuys for the first time on the 15th, discussed on the 16th, agreed to on the 18th, and sent off on the 19th; and Mr. Wyse is greatly blamed by many persons, both here and in France, upon the assumption, that, whereas Baron Gros had informed him, on the 24th of April, that the English and French Governments had

come to an agreement as to the essential bases of the convention to be signed between England and Greece, and had moreover told him that the convention itself would shortly be received at Athens—yet, nevertheless, with this knowledge of the facts, he renewed coercive measures, and compelled the Greek Government to yield to his own demands. This assertion, so far as Mr. Wyse is concerned, is positively untrue. It is totally and wholly untrue. He received no communication from Baron Gros on the 24th, and none earlier than the 2nd of May, relative to the draft of the convention agreed upon in London. Whether Baron Gros received the information or not on the 24th by the *Vauban*, I leave to be settled between him and his Government. The explanations of General Lahitte would indeed lead to the inference that he did not.

The statement to which I refer was made by "our own correspondent" of the *Times*. I may say, in passing, that one person who has spoken on this subject elsewhere, has had the substance of his speech claimed publicly by the *Morning Herald* as a compilation from its leading articles; and another has obviously been more indebted to the *Times* than to the blue books for the statements on which he has founded his assertions. But the correspondent of the *Times* stated distinctly, and upon that statement public opinion in this country has been formed, that Baron Gros did inform Mr. Wyse on the 24th, that he had received by the *Vauban* a statement announcing the London convention, and that, in spite of that information, Mr. Wyse resumed coercive measures. I understand that the French Government say that this is an entire mistake; that no information respecting the convention could have been communicated to Mr. Wyse on the 24th, because Baron Gros did not receive any by the *Vauban*, which arrived on that day. The complaint, therefore, against Mr. Wyse, come from what quarter it may, and I have no doubt it was sincerely believed at the moment it was made, that complaint can no longer be maintained, and is withdrawn.

With respect to the other complaint, that I did not write to Mr. Wyse an account of what had passed on the 9th of April, the simple reason why I did not, was, that he was already in possession of instructions which were sufficient; that I could not have written till the 17th, and that on the 15th another arrangement was proposed, which

provided an immediate settlement on the spot, and which therefore rendered any further reference to me by him, out of the question. But it was said that if the French Government could have sent information to Baron Gros by the *Vauban*, why could not we have sent at the same time similar information to Mr. Wyse? Why, solely because we were in London, and the French Government was in Paris, and that if a steamer had been despatched by us from Portsmouth, it could not have got round to Athens so soon as a steamer despatched by the French Government from Marseilles or Toulon. But, as I have said, the convention of the 15th having been agreed to, all further reference to me by Mr. Wyse was rendered unnecessary, because that convention was to be presented as an ultimatum to the Greek Government, by the British and French diplomatic agents.

And when it is said that those demands of ours on the Greek Government were so much repudiated by the Governments of Russia and of France; and that by putting forward those claims, we ran the risk of involving this country in a war with those Powers, I must be permitted to say, that, with respect to Russia, the despatch of Count Nesselrode to Baron Brunow, of the 19th of February, totally negatives that assertion. In that despatch, Count Nesselrode admits that he was aware, as long ago as 1847, that our patience might be exhausted, and that we might have recourse to coercive measures against Greece to enforce our claims; and he says, moreover, that if lately, when we determined to enforce our claims, we had asked Russia to give us her assistance, she would have endeavoured to persuade the Greek Government to come to an amicable settlement with us; and if the efforts of Russia to that effect had been unsuccessful, Russia could not then have expected that we should indefinitely postpone coercive measures out of deference to her.

With respect to France, the much-talked-of convention of the 19th of April was to be recommended by France to Greece in a way which made its acceptance pretty certain; and in that convention there was at once a full acknowledgment of the principle of all our demands, and of the amount which we thought it just and right to require. I am sorry that the convention did not arrive before the other settlement took place, but that was not the fault of our negotiator. It was not he who put an end to Baron Gros' functions, but Baron Gros

himself. Baron Gros formally and officially withdrew from the negotiation, and that by a written communication, not addressed to Mr. Wyse alone, but to the Greek Government also.

But it is said he was willing to retract it, and that on the 24th of April he wrote to Mr. Wyse to say—"Send me back my note, and I will give you back yours." Now, to this Mr. Wyse said—

"I cannot exactly do what you wish, but I have another proposal to make to you. You ask me to refer to England, and to maintain the *status quo* till I get an answer; but to keep the Greek vessels in custody till that answer arrives would subject Greek commerce to great inconvenience. Instead of this, I propose, that if the Greek Government will send me 180,000 drachmas, with a letter stating that that sum is in satisfaction of all our claims excepting M. Pacifico's claim on account of the loss of his Portuguese documents, I will"—

Do—what? Refer home? No. Continue the *status quo*? No.

"I will immediately release all the Greek merchant vessels. I will only retain the few Government vessels as a pledge, leaving the wording of the apology in the case of the *Fantome*, and the compensation for the loss sustained by M. Pacifico by the destruction of his Portuguese documents, to be settled by future discussion."

The effect of that arrangement would have been, that the points on which Mr. Wyse and Baron Gros differed, would have been left open for future discussion; that coercive measures, as far as Greek commerce was concerned, would have been entirely suspended; the convention of London, of the 19th April, would have arrived in time; but the Greek Government indeed would, by that convention, have had to pay probably a larger sum than the 180,000 drachmas. But what was Baron Gros' answer to that? He said, on the 24th, "I have withdrawn from the negotiation, and I cannot therefore officially transmit to the Greek Government your proposal." Therefore it was not merely by his official notes of the 22nd April to Mr. Wyse and M. Londres, that Baron Gros withdrew from the negotiation, for he repeated his withdrawal in answer to this proposition; but he intimated, in a private letter, that he had made it known to the Greek Government. "To-morrow, the 25th," he said, "I believe you will have, before five o'clock of the afternoon, your letter and your money."

Now, was Mr. Wyse in a hurry to resume coercive measures? Did he catch at the first moment at which he might have been authorised to resume hostilities?

Far from it. He waited from the 22nd to the 24th, and from the 24th till five o'clock on the afternoon of the 25th, and it was not till after that hour had passed, at which Baron Gros had led him to expect that he would receive from the Greek Government an acceptance of his conciliatory proposal; it was not till that hour had passed without any communication arriving, that he announced, through the British Consul, that the embargo would again be established. It is plain, therefore, that Mr. Wyse did not put an end to Baron Gros' functions, or show any impatience to renew coercive measures. Baron Gros himself put an end to his own functions, in spite of Mr. Wyse's repeated entreaties that he would not do so; and when Baron Gros had formally withdrawn, Mr. Wyse, instead of at once resuming coercive measures, made another and a very conciliatory proposal; but Baron Gros' answer to this was, a renewed declaration that he had withdrawn from the negotiation, and that his official functions had ceased.

Since then, negotiations have taken place between the Governments of England and France, which, I am happy to say, have been brought at last to a satisfactory conclusion. We are ready to accept such parts of the proposed convention as are still applicable to what remains to be done. Having received and distributed to the claimants the 180,000 drachmas, we don't insist upon the difference between that sum and the sum that was to be required by the convention. The apology written by M. Londres is retained, and cannot be returned to him, in order that instead of it, he may send us the one proposed by M. Drouyn de Lhuys. The only thing, therefore, that remains to be settled, is the investigation of the claims of M. Pacifico on account of the loss of his Portuguese documents. With regard to these claims, by the arrangement of the 27th of April, a material security was given in the shape of a pecuniary deposit. The convention, of which I had drawn up the details, contained on that point a diplomatic guarantee, instead of a substantial guarantee; for it was a convention to be ratified by the two Sovereigns, providing that a commission of arbitration should be named by the three Governments to investigate that claim, while by Mr. Wyse's arrangement this investigation was to be made not by a commission, but by the British and Greek Governments jointly. We are perfectly ready to substitute the

one arrangement for the other, if the Greek Government choose to adopt it; but we do not intend to urge it upon them, if they do not. If they prefer the arrangement of the convention, we are prepared to conclude a convention to that effect, superseding the corresponding part of the arrangement which was concluded at Athens.

There is, however, one point in Mr. Wyse's arrangement, which was not included in the draft of the convention, because it applies to circumstances of which we were not aware at the time when the convention of London was framed. Mr. Wyse exacted an engagement on the part of the Government of Greece that they should not put forward, nor support, if put forward by others, any claims for compensation arising from losses or injuries consequent upon the coercive measures to which we had recourse. The motive of Mr. Wyse for requiring that engagement was, that he understood the Government of Greece had been collecting and beating up for claims of that kind, which they meant to put forward to a very large amount. We attach no value to that engagement as bearing in any manner whatever upon the validity of any such claims. Such claims can have no just foundation whatever; and if they were put forward by the Greek Government, or by other persons supported by the Greek Government, our answer could only be—"These claims have no foundation in right or reason, and we utterly and entirely reject them." But the value of that arrangement was, that by shutting the door against such claims, it prevented the Greek Government from raising discussions which might interrupt the good understanding and friendly relations between the two countries. The British Government are willing, instead of that engagement, to accept the good offices of the French Government, whose good offices with the Government of Greece under existing circumstances have some value, and who will advise the King of Greece not to put forward any such unfounded claims. France, therefore, will advise the King of Greece not to bring forward or to support any such claims, and with that advice we shall be content.

Thus terminates all difference between the Governments of England and France in regard to these matters; and I believe that if it had not been for discussions which are now taking place in the French Assembly, the distinguished individual who represents the French Government at this

Court, might have been present to hear the debate of to-night. So much, then, with regard to the affairs of Greece, and the course which we have pursued in regard to them; but there still remains the question of the far-famed islands of Sapienza and Cervi.

Now, with respect to these islands, my opinion is clear and decided. That opinion, as has been already stated this evening, is supported by the opinion of my predecessor in office, the Earl of Aberdeen, as appears by a despatch from him to Sir E. Lyons, which has been laid on the table. The case is simply this: There are certain islands on the coast of Greece, which originally belonged to Venice, and which, by the treaty of 1800, between Russia and the Porte, were erected into a separate State. The seven great islands, and all the other islands, great and small, inhabited and uninhabited, on the coast of Albania and of the Morea, were placed under feudal relations to Turkey; and were secured by the guarantee of Russia; and it was declared that the constitution which that State might give to itself should be communicated to, and be sanctioned by, the two protecting Powers. At that time the Morea and the other parts of Greece belonged to Turkey. In 1803 these islands made their constitution, which, I presume, was communicated to, and sanctioned by, the two protecting Powers; and in 1804, in execution of that constitution, they made a municipal distribution of the smaller islands, allotting them respectively to the seven larger islands; and in a public decree, which I cannot doubt must have been made known both to Turkey and Russia, Sapienza was aggregated to Zante, and Cervi to Cerigo.

Now, can any man suppose that, if Cervi and Sapienza had been part of the Turkish territory at that time, the Sultan would have allowed his vassals of the Ionian State to appropriate to themselves what belonged to him? or that Russia, who was still more vigilant, and was under engagement, by guarantee, to defend and maintain the territory of this Ionian State, would have permitted a proceeding, which on such a supposition, would have thrown on her the duty of defending for the Ionian State islands which belonged of right to Turkey? But these islands have always been considered by the British Government, ever since the Septinsular Republic was placed under the protection of England, as belonging to the Ionian State;

and it is well known that officers quartered at Cerigo have been in the habit of going to Cervi for purposes of amusement, and that that island has always been held to be part of the Ionian territory.

The boundaries of Greece were settled by the Protocol of February, 1830, with the exception of an improvement in the northern frontier, which was afterwards arranged between the Three Powers and the Porte, and in the settlement of which we were much assisted by an hon. and gallant Friend of mine, the Member for Portarlington, who was employed in surveying that improved line. A map was attached to the Protocol of February, 1830, and a red line, of which we have heard much, was drawn upon that map to mark part of the boundary which was established by the Protocol; but that red line was mentioned in the Protocol, only as marking the northern boundary of Greece, east and west from sea to sea, and it did not apply to the islands. The islands which were to form part of the Greek State, were enumerated by name in the Protocol, and neither Cervi nor Sapienza were included in that enumeration.

It is, therefore, impossible to contend that the public acts which constituted the Kingdom of Greece included either of these islands within its territory. If, then, the Greek Government has taken possession of either of these two islands, it is the Greek Government that has intruded upon the territory of the Ionian State; and the British Government has not, by demanding the evacuation of those islands, wanted to intrude upon the territory of the Kingdom of Greece. But this question did not form part of the demands made by Mr. Wyse on the 15th of January. It is a separate question, and remains open for fair discussion between the Governments of Greece and England, and of England, France, and Russia.

Our applications about these islands had remained unnoticed by the Greek Government for ten years. It may be asked, then, why did we renew them at this particular time? Because the Greek Government committed last year an act of aggression on the island of Cervi, which they had never committed before. A boat going between Cerigo and Zante with convicts, was driven by stress of weather upon Cervi, when the convicts were liberated, and other acts were committed as if the island had been Greek territory. It became necessary, therefore, to call for an answer to our

application, and if no answer was given, to take possession of the islands—an operation which could be performed by a boat's crew, without involving any greater employment of force. But, as has already been stated, the Greek Government hearing that these islands were to be taken possession of, at last broke their ten years' silence, and made a reply; and a discussion being thus opened, the forcible occupation was suspended. With respect to the Government of Russia, that Government was made aware so long ago as the beginning of last October, of the instructions we had given for the occupation of those islands.

Having disposed of the matter of Greece, I now come to the wider range which was taken last night by the right hon. Baronet the Member for Ripon. That right hon. Baronet took, I think, a proper view of the question before the House, because the resolution which has been proposed is not confined to one particular act of Her Majesty's Government with regard to foreign affairs, but does fairly involve and open the consideration of all the topics to which the right hon. Gentleman adverted. I agree, however, with those hon. Gentlemen who have contended that the resolution does not imply an absolute and entire approval of every act that has been done by the Government; and, indeed, it would be unreasonable to propose such a vote to the House; because it could hardly be expected that so large a number of men, possessing different degrees of information, holding different views, and not knowing exactly in all cases what have been the grounds upon which the Government have acted, though they may approve of the general principles which have guided the conduct of the Government, should implicitly approve of everything we may have done.

The right hon. Baronet was justified in taking that larger range into which he expatiated last night; but I must be allowed to set him right as to the first point upon which he touched. He stated what was quite true, that when he was a Member of Earl Grey's Administration, he concurred with me in many acts of foreign policy of which I was the organ, which involved very active interposition in the affairs of other countries. He instanced the negotiations in regard to Belgium, and its separation from Holland. He has done justice to the views which guided the Government of that day, in their opinion that the independence of Belgium would be a

measure advantageous to the peace, present and future, of Europe. But, then, he says, that case was different from the acts of the present Government, because every step in that affair was taken with the concurrence of all the five Powers who were parties to the negotiation. The right hon. Baronet said that there were, to be sure, some things which went beyond mere negotiation: there was the siege of Antwerp, and the embargo laid by us upon Dutch ships. He had concurred, he said, in both those measures; but were those measures, steps taken with the full consent of all the five Powers? Were those acts measures of such a description that they rendered it quite impossible that the friendly relations of this country with other Powers could be disturbed thereby? The right hon. Baronet must, I am sure, recollect that Austria, Russia, and Prussia dissented from those measures; that they protested against those measures; that in consequence thereof they withdrew for a time from the conference, and that a Prussian army was collected near the banks of the Meuse, the presence of which rendered it necessary for the French to send a very large force to Antwerp, much more than was required for the mere siege of the citadel, and also to have a reserve ready in case of need. I know very well that when people are out of office their memory is not so quick and retentive as to things which happened while they were in power as it would have been if they had remained in; but on this point the right hon. Baronet made an important mistake, especially as bearing upon the particular question now before the House.

I agree with the right hon. Baronet that, in regard to the affairs of Belgium, the Government of England came to a wise determination. I think that the arrangement which in 1815 had been thought conducive to the peace of Europe, and by which, through the union of Belgium with Holland, a Power of some consideration was to be formed in that particular part of Europe, interposed between Germany on one side and France on the other—I think that that arrangement, which originally, by those who framed it, was, and not without reason, expected to prove advantageous to the peace of Europe, had, by the course of events, turned out to have a contrary tendency. The people of Belgium and of Holland evidently could not coalesce; and if certain Powers of Europe had combined at that moment to compel a reunion

between these separated portions of the Kingdom of the Netherlands, I doubt whether that reunion could have been effected without the immediate explosion of a war in Europe of the greatest magnitude; and I am quite sure that if it had been effected, it could not have lasted, and the foundation must have been laid thereby of future and inevitable disturbance. We carried out our opinion upon that point to a practical result.

It is not to be disguised at this time of day, that our opinion on that matter was not shared by Austria, Russia, and Prussia. They would much rather have seen the two countries reunited; and if that reunion was at that time impossible, they would have been glad of any arrangement which might have tended to render a reunion thereafter more easy. This was no breach of faith on their part; they acted, I am bound to say, with great good faith and honour in the whole transaction; but they had that opinion which differed from the opinion of England and France. Nevertheless our arrangements prevailed; and was that, now, an instance of a policy which deserves the censure and condemnation of Parliament and of the country?

I remember being taunted in this House by being told of my "little experimental Belgian monarchy." It was predicted that the experiment would not succeed; it was said that there was no national feeling among the Belgians; that they would, on the first opportunity, throw themselves into the arms of their nearest neighbour; that we were only laying the foundation of another change; and that our arrangement was only "a transition state." Why, if ever there was an experiment—call it so if you will—that fully and completely succeeded, the erection of Belgium into an independent State was that experiment. In times when almost all the other countries in Europe have been convulsed from top to bottom, Belgium has remained undisturbed. The people have shown the most admirable devotion and attachment to their Sovereign; the Sovereign the greatest confidence in, and love for, his people; the nation has made rapid advances in industry and in the arts, in everything which distinguishes a civilised State; all this reflects the greatest honour upon the Belgian people; and they have, moreover, acquired a spirit and sentiment of nationality which entitles them to the respect of every other country in the world. I say, then, that so far as we were com-

cerned in effecting that arrangement, I think that is a case to which we can refer with pride and satisfaction, and in regard to which we can justly claim the approbation of Parliament and of the country. But it was not altogether without encountering difficulty, not only in other countries, but at home, that we were able to bring that long negotiation to a successful issue.

Then the right hon. Baronet says, that he was also a party to another operation which differed in some degree from pure and mere diplomatic intervention—the interference of this country in the affairs of Portugal by the Quadruple Treaty of 1834. I think the right hon. Baronet was in office when the Quadruple Treaty, in regard to Portugal, was concluded. [Sir J. GRAHAM: I was.] What was that treaty? We have been accused—I, especially, have been accused—of “running a muck” through Europe, interfering here and there in the internal affairs of every other country; and, I presume, from the general tenor of the speech of the right hon. Baronet, that it is upon that tendency to interference in the affairs of other countries, among other things, that he founds his disapprobation of the conduct of foreign affairs under my management as the organ of the Government.

Now, a question arose in Portugal between the claims of Donna Maria, represented by her father, Don Pedro, and those of Don Miguel, her uncle. Did it very much signify to England, in the abstract, whether this young queen was to be Sovereign of Portugal, or whether Don Miguel, who was actually in possession, should remain upon the throne? Not much certainly; but we looked upon the question, not as a simple choice between one sovereign and the other, but—what it was in reality—as a question between absolute government on the one hand, and constitutional government on the other. But what interest, you will say, had we in that? Why, we might have had a selfish interest in favour of despotism; because it is manifest that if you want to exercise influence over a country, you are more likely to have it where the Government rests in a Court and a Cabinet, than where it rests in an assembly representing the nation. But we scorned that sort of influence in Portugal. We knew, in espousing the cause of a constitution, that that particular kind of influence on our part would cease; but we felt that we should reap

other advantages, which would more than counterbalance any disadvantage arising from that source. We knew that the prosperity of Portugal was concerned in the issue—that the best chance for the cessation of the manifold abuses, administrative and others, which had so long prevailed to keep down Portugal in the scale of nations—that the best chance of applying a remedy to those evils, and of giving full development to the natural resources of Portugal, would consist in securing to it the inestimable advantages of a free constitution; and, therefore, thinking as we did, that right was on the side of that party with whom waved the constitutional banner, we, and the right hon. Baronet with us, espoused that cause; and we concluded a treaty between England, France, Spain, and Portugal, by means of which, through the exertion of force, Donna Maria was seated upon the throne of Portugal. I think that course was wise—was perfectly defensible; and I think the right hon. Baronet is entitled to share with me in the merit of having been above all narrow-minded prejudices, and having concurred in that act of forcible interference, for the purpose of giving to Portugal the blessings of representative government.

But I shall be told that as late as 1847 there was another insurrection in Portugal, and another interference. Now, no man of common sense can suppose, that when you plant free institutions in a soil, in which none have hitherto grown, they are at once to attain their full maturity, and to bear their utmost fruit. It takes time to educate men for the well administration of representative government; it takes time to reconcile the governors to submitting themselves to the control of representative institutions; and in the early stages of constitutional experience you find, on the one hand, that the representatives of the people do not bring sufficient moderation and sense, and judgment, to the exercise of their functions; and, on the other, that the Members of the Government are too jealous of the restraints imposed upon them, and are constantly striving either to elude those restraints, or to break through them. The history of all constitutional countries, and especially of our own, will furnish abundant instances to exemplify this truth. But has Portugal derived no benefit from her constitution? Let any man compare her present condition with what she was under arbitrary government. There may now be abuses and misgovern-

ment requiring correction; but the condition of Portugal is no more to be compared with what it formerly was, than is light with darkness.

Now, what did we do in 1847? Our conduct in 1847 was again approved by the right hon. Baronet, and disapproved of by the hon. and gallant Member for Middlesex, who has notwithstanding given us his support to-night. Portugal was then in a state of revolution; the Throne was in the utmost and imminent danger; the Government applied to this country for aid under the engagements of that Quadruple Treaty to which the right hon. Baronet was a party—and also applied to France and to Spain, the other parties to that treaty. We did not acknowledge that that treaty was in force or applicable to the then existing state of things; but we had to consider the case upon its own merits, without reference to the Quadruple Treaty, but with reference to the general obligations, the standing and permanent treaty obligations of this country towards Portugal. I know that many of my hon. Friends on my right thought that it would have been more prudent and more consistent with the principles which ought to govern the conduct of England, to have let the contest go on, between the Liberal party and the other party; but I thought then, and I think now, that our determination was right. I am convinced that though for the moment we put down, or at least disarmed, the Liberal party, we saved that party, both individually and collectively, from great dangers and from serious evils.

My conviction is, that if we had declined, the other Powers, Spain especially, would have interfered; unless we had taken ground which would have involved England in war—unless we had said, “If you interfere, you are at war with England;” and if we had said that, who will tell me what those other Powers in Europe, who sympathised with Spain might have said; and what support Spain would have received in such a war, from countries with which it would not have been the policy of England to engage in hostilities. My conviction is, that if we had not adopted the course we did, and by which the civil war was put an end to at once, without further effusion of blood, that civil war would have been put down by foreign interference, but not with the conditions which we attached to the termination of the contest.

The conditions we exacted were—ample and complete amnesty for all engaged in that civil war; a revocation of all illegal edicts which had been issued by the Government at variance with the constitution; the convocation of the Parliament as soon as the elections, which should immediately take place, were concluded; and the formation in the mean time of a Government consisting neither of members of the party of Cabral—the party then representing the arbitrary principle, the high Tory principle—nor of members of the Junta of Oporto. These terms were accepted; there was no further effusion of blood; the constitution continued in full force; and Portugal is now in the enjoyment of that constitution; and practically, it is working as well as under all circumstances, and considering how recently it has been established, could perhaps have been expected. “Oh, but,” said the right hon. Baronet, “you have Costa Cabral as Minister, and your object was to get rid of him.” Now, the fault I find with those who are so fond of attacking me either here or elsewhere, in this country or in others, is, that they try to bring down every question to a personal bearing. If they want to oppose the policy of England, they say, “Let us get rid of the man who happens to be the organ of that policy.” Why it is like shooting a policeman. As long as England is England, as long as the English people are animated by the feelings and spirit and opinions which they possess, you may knock down twenty Foreign Ministers one after another, but depend upon it no one will keep his place, who does not act upon the same principles. When it falls to my duty, in pursuance of my functions, to oppose the policy of any Government, the immediate cry is, “Oh, it’s all spite against this man, or that man, Count This, or Prince That, that makes you do this.” So the right hon. Baronet says, our object in 1847 was merely to get rid of Costa Cabral; and, he adds, Costa Cabral being now in office, our purpose has been defeated. Now, as regards mere personal considerations, we did not care who was Minister of Portugal; but we felt that there was in that country much popular excitement, that party was arrayed against party, class against class, that there were bitter animosities ready to break out, and, we knew perfectly well, that if a member of the Cabral faction was, at that particular time, made Minister, there would be a renewal of civil war; we accordingly excluded,

not for ever, but merely for a time, and until the Cortes should decide who was to have their confidence, and who should be Minister, all men of the extreme parties, whether of the Cabral faction or of the Junta faction. I therefore cannot admit the triumph which the right hon. Baronet thinks he has obtained at my expense, by the fact that Costa Cabral, in spite of our proceedings in 1847, is now, in 1850, Minister of Portugal.

Now come we to Spain. It is perfectly true that the right hon. Baronet was not in office when the additional Articles of 1835—additional to the Treaty of 1834—were concluded. But what was the Treaty of 1834—the Quadruple Treaty? It was a treaty to expel from the Peninsula not Don Miguel only, but Don Carlos also, who was then at the head of troops in Portugal; and, therefore, so far as the spirit and provisions of that treaty of 1834 went, the right hon. Baronet cannot ride off by saying, that it confined itself entirely to Portugal, and did not extend to interference with Spain. Don Carlos was at the time in Portugal, at the head of troops, with the purpose of getting back into Spain; and, had Don Miguel been successful in Portugal, there is no doubt that Don Carlos would have availed himself of the circumstance to enforce his claims upon Spain. Don Carlos having been expelled from the Peninsula under the treaty of 1834, came to London for a time, and then returned to Spain. Hostilities were resumed in Spain; and the Additional Articles of 1835 were then concluded, for the purpose of giving to the Queen of Spain assistance, to enable her to retain the Crown, and to expel Don Carlos from Spain.

This was a case exactly similar to that of Portugal in the preceding year. We had no particular interest, in the abstract, in determining whether the Sovereign of Spain should be an infant Princess, as Isabella then was, or a full grown Prince; the mere abstract question between Isabella and Carlos was one in regard to which we had nothing at stake, and which the then Government of England would probably not have thought it proper or useful to interfere with. Questions of succession to a Crown have, indeed, at all times been matters with which foreign Powers have concerned themselves; but it has only been when some distinct interest has made it worth their while to do so. But in Spain, as in Portugal, the question

was between arbitrary rule and constitutional and parliamentary government, and in relation to Spain, as well as to Portugal, we thought that the interests of England in every point of view, commercial and political, would be benefited by the establishment of constitutional government.

If England has any interest more than another with reference to Spain, it is that Spain should be independent, that Spain should be Spanish. Spain for the Spaniards, is the maxim upon which we proceed in our policy with regard to Spain. Much evil must ever come to this country from the fact of Spain being under the dictation of other Powers. It is eminently for our interest that when we have the misfortune to be in dispute or at war with any other Power, we should not, merely on that account, and without any offence to or from Spain herself, be at war with Spain also. It is to our advantage that so long as we have given no offence to Spain, and she none to us, differences with other Powers should not involve us in war with her; and we considered that the independence of Spain was more likely to be secured by a Government controlled by a representative and national Assembly, than by a Government purely arbitrary, and consisting merely of the Members who might form the Administration. Therefore, on grounds of strict policy, independently of the general sympathy which animated the people as well as the Government of this country towards Spain at that time, we thought it our interest to take part with Isabella, and against the pretensions of Don Carlos. That policy was successful—the Carlist cause failed; the cause of the constitution prevailed. But it is said by the right hon. Baronet, that General Narvaez is Minister of Spain—I cannot see in that, any defeat of the policy of England; General Narvaez, indeed, is Minister of Spain, but the constitution is in force, and that constitution has of late been more strictly observed, than it was at the period to which the right hon. Baronet referred.

The right hon. Baronet finds fault with a certain despatch which in July, 1846, after the change of Ministry in this country, I wrote to Sir Henry, then Mr., Bulwer at Madrid; and the right hon. Baronet says, "Here is an instance, not only of the interference of the noble Viscount, but of the manner and tone he uses." Now, as to manner and tone, there have

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been certain communications made to other British Ministers by persons in whom the right hon. Baronet has confidence, which are certainly couched in terms which may possibly admit of the application of some of those phrases which the right hon. Baronet has applied to me. There was a certain despatch, for example, addressed by the Earl of Aberdeen to Sir Edmund Lyons, our Minister at Athens, which has already been read elsewhere, and which I have got a copy of here, and which I think is a very curious specimen of the manner in which the most mild and uninterfering of Foreign Ministers can, when he so likes, deal with the internal arrangements of other Governments.

Everybody knows who Sir Richard Church is; a most distinguished soldier, who fought nobly in the cause of Greek independence, and for a long time was properly respected and honoured by the Greek Government. But in 1843 he was supposed to sympathise with the party who extorted the constitution from the King. I believe that what he then did, was a great service to the King; and that he was very instrumental in saving King Otho from dangers to which he would otherwise have been exposed; but, however, in 1844 he incurred the displeasure of the King, and he was removed from the appointment of Inspector General of the Greek forces, which he had held; and he was succeeded by General Grivas, a person whose conduct, as it appears from the despatch in question, had not been altogether free from imputations of disloyalty. Well, here are the instructions given on the subject to Sir Edmund Lyons, by the Minister who never interfered with the internal affairs of other countries, and especially with their purely domestic matters:—

“ Sir—Her Majesty's Government have learned with deep concern the dismissal of Sir Richard Church from the post of Inspector-General of the Greek Army, which post he had so honourably and successfully filled for many years.”

Perhaps so far it was natural for the English Government to regret the dismissal of a meritorious English Officer.

“ Their regret is increased by finding that General Grivas, who was so recently engaged in open rebellion against the throne, has been appointed to succeed him.”

As to this point, one would have thought the King of Greece was himself the best judge.

“ Her Majesty's Government do not propose to interfere in the matter; since, however unjust the deprivation of General Church may have been,

and however injudicious the elevation of his successor, these acts were certainly within the competence of the Greek Government.”

This is very handsome and candid.

“ But,” continues the non-interfering Minister, “ though Her Majesty's Government abstain from interfering, they deem it an imperative duty on their part—considering the position in which Great Britain stands with regard to Greece, as a creating and guaranteeing Power, to express ”—

They do not interfere—

“ to express in the strongest terms their sense of the injustice done to Sir Richard Church, one of the best, most disinterested, and most efficient supporters of Greek independence, by an abrupt and ungracious dismissal, unaccompanied by any word of commendation or acknowledgment of his great services to Greece, and also their sense of the excess of imprudence and impolicy exhibited in the appointment to one of the most responsible offices under the Crown, of a man whose recent conduct has shown him to be an enemy to the Throne, and a deliberate perverter of order and discipline.”

This was written by the Minister who never interfered with the internal arrangements of other Powers.

“ Her Majesty's Government,” continues this mild despatch, “ consider themselves fully warranted by the overt acts of General Grivas himself, in instructing you to make known these sentiments distinctly in their name to the Greek Minister for Foreign Affairs as well as to the King himself—as well as to the King himself, should a favourable opportunity present itself; and at the same time to warn His Majesty seriously—seriously and solemnly of the danger to which he will expose his country and his Throne by a perseverance in so fatal a line of policy as that which he has lately pursued.”

The writer of this despatch condemns me for my despatch of the 19th of July, 1846, addressed to Sir Henry Bulwer—a despatch which was not to be communicated to the Sovereign; and the concluding paragraph of which the right hon. Baronet might as well have read, when he read the other portion of it, because, after stating to Sir Henry Bulwer, that having just come into office, we thought it was essential that we should explain to him the views we entertained as to the position of Spain, and as to the conduct of the Spanish Government, the despatch concluded with the following passage:—

“ It was certainly not for the purpose of subjecting the Spanish nation to a grinding tyranny, that Great Britain entered into the engagements of the quadruple alliance of 1835, and gave, in pursuance of the stipulations of that treaty, that active assistance, which contributed so materially to the expulsion of Don Carlos from Spain. But Her Majesty's Government are so sensible of the inconvenience of interfering, even by friendly advice, in the internal affairs of independent States, that I have to abstain from giving you instruc-

tions, to make any representations whatever to the Spanish Ministers on these matters. But, though you will, of course, take care to express on no occasion on these subjects, sentiments different from those which I have thus explained to you; and although you will be careful not to express those sentiments in any manner or upon any occasion so as to be likely to create, increase, or encourage discontent, yet you need not conceal from any of those persons who may have the power of remedying the existing evils, the fact that such opinions are entertained by the British Government."

Now let the House, after comparing these two despatches, say whether it is from that quarter that we deserve the condemnation that has been passed upon us? "If I am worthy to so treated, I do not deserve to be so treated by you."

But it is said, nevertheless, to me—

"You cannot be commonly courteous or civil, even in your reconciliations; your strong language led to a rupture of diplomatic relations with Spain, and when matters have been arranged again, you have spoiled the grace and courtesy of the reconciliation by your manner of accepting an apology."

I am told—

"You mentioned Sir Henry Bulwer in your note, in reply to the apology of the Spanish Government, as the person whom you would have preferred to send to Madrid; and that was enough to disgust the Spanish Government and the Spanish people."

No, at the time when the conduct of Sir Henry Bulwer became the subject of discussion in this House, there was not a man of any side who did not do him justice; and no one expressed himself more handsomely in regard to Sir Henry Bulwer, than did the right hon. Baronet the Member for Tamworth. Sir, it is not always fitting to tell diplomatic secrets to the House of Commons. Yet I am obliged, in vindication of myself, to do so on this occasion; and to tell the House, but of course in strict confidence, that those two notes—namely, the note of apology from the Spanish Government, and our note of answer, were mutually communicated to, and approved by each Government beforehand. Yes, those notes were communicated confidentially, and were agreed to by both Governments before they were officially interchanged.

However, Sir, the right hon. Baronet the Member for Ripon says that these affairs of Spain were of long duration, and produced disastrous consequences, because they were followed by events of the greatest importance, as regards another country, namely, France. He says, that out of

those Spanish quarrels and Spanish marriages, there arose differences between England and France, which led to no slighter catastrophe than the overthrow of the French monarchy. This is another instance of the fondness for narrowing down a great and national question, to the smallness of personal difference. It was my dislike to M. Guizot, forsooth, arising out of these Spanish marriages, which overthrew his Administration, and with it the throne of France! Why, Sir, what will the French nation say when they hear this? They are a highminded and high-spirited nation, full of a sense of their own dignity and honour—what will they say, when they hear it stated that it was in the power of a British Minister to overthrow their Government and their monarchy? Why, Sir, it is a calumny on the French nation to suppose that the personal hatred of any foreigner to their Minister could have this effect. They are a brave, a generous, and a noble-minded people; and if they had thought that a foreign conspiracy had been formed against one of their Ministers—I say, that if the French people had thought that a knot of foreign conspirators were caballing against one of their Ministers, and caballing for no other reason than that he had upheld, as he conceived, the dignity and interests of his own country; and if they had thought that such a knot of foreign conspirators had coadjutors in their own land, why, I say that the French people, that brave, noble, and spirited nation, would have scorned the intrigues of such a cabal; and would have clung the closer to, and have supported the more, the man against whom such a plot had been made. If, then, the French people had thought that I, or any other Foreign Minister, was seeking to overthrow M. Guizot, their knowledge of such a design, so far from assisting the purpose, would have rendered him stronger than ever, in the post which he occupied. No, Sir, the French Minister and the French Monarchy were overthrown by far different causes. And many a man, both in this country and elsewhere, would have done well to have read a better lesson, from the events which then took place.

We had, indeed, a difference with the Government of France relative to the Spanish marriages. I do not wish to open again questions that are gone by, or to remind the House or the country of the grounds of complaint which we had then, as I think, justly, against those who are

now no longer in power. But, since I am pressed upon this matter, and as it is one count of the long indictment preferred against me, I must say, in my own defence, that the dissatisfaction which we felt was not groundless. I must say, too, that I formed my judgment from communications made to me by the noble Lord (the Earl of Aberdeen) whom I succeeded in the office I hold—from statements from his own mouth, made to me in that interview which always takes place between the Foreign Minister who goes out, and the Minister who comes in. I learned from that source, that promises had been made in regard to these marriages—not only by a Minister to a Minister, but between far higher personages—promises, the like of which, so far as I am aware of, have never before in the history of Europe been broken; and yet those promises were deliberately broken. If we felt dissatisfaction then at those marriages, that dissatisfaction was just and well-founded; and upon every ground of national interest and honour, we were entitled, nay, bound, to express it.

Before I quit this subject, I must say that in my opinion the policy which we have pursued in regard to France has been consistent with the interests of this country, and has been characterised by an observance of the principles which the hon. and learned Gentleman, whose resolution we are discussing, thinks ought to govern our foreign policy, and which are calculated to preserve, as they have preserved, the peace of Europe. Our prompt acknowledgment in 1848 of the Government established in France, and the kindly relations which we have maintained with the successive chiefs of Administration in that country, sufficiently show that we have been animated by a kindly feeling towards the French nation; and that in our opinion the maintenance of friendly relations with that country is not only consistent with our interests and our dignity, but also forms a firm foundation for the peace of Europe.

The right hon. Baronet the Member for Ripon has insinuated that the Marquess of Normandy, in the period immediately preceding the events of February, 1848, had been in too intimate connexion with some of the persons whom he describes as the parties who overthrew the throne of France. I know not whom he means, but this I know, that the person with whom the Marquess of Normandy was perhaps in the

most frequent communication, because he was an old and intimate friend, was Count Molé; and I have yet to learn that he is a man who was likely to do anything to overthrow, either intentionally or unintentionally, the monarchy of France. But, if that insinuation was meant to convey an imputation that the Marquess of Normandy had done anything, or had held any intercourse, inconsistent with his position as the Ambassador of a friendly Power, then I say that imputation is totally and entirely unfounded.

Well, Sir, I leave the sunny plains of Castile and the gay vineyards of France, and now I am taken to the mountains of Switzerland, as the place where I am to render a stricter account.

The charge against me in regard to Switzerland is founded upon a book of Count D'Haussonville's, which relates a private conversation said to have taken place between individuals, who were little supposing that what they were saying or replying to, would figure in an octavo volume; and still less that it would become a ground of serious accusations against any one in Parliament. Now, as far as I can collect the charge from the speech of the hon. Member for Bridport, who entered into the subject more in detail than the right hon. Baronet the Member for Ripon, the charge is, that in July, 1847, I declined to accede to a proposal of the Duc de Broglie to mediate between the two parties in Switzerland—that I changed my opinion in November, and agreed to mediate; and that I then purposely delayed the mediation, in order to defeat it; and that while I was sending despatches to Switzerland for the purpose of offering a mediation, I was privately directing Mr. Peel to urge on the events of war, so that the mediation might come too late.

Now, as to the first charge, I plead entirely guilty; that is to say, when the mediation was first proposed, it did not seem to me to be a case in which this country ought to interfere. The House will remember that a dispute arose between different portions of the Swiss cantons. The seven peculiarly Catholic cantons formed a Sonderbund, or separate league, and the other cantons arrayed themselves in an opposing aggregation. The cause of the quarrel was, that the majority of the cantons required the minority, that is to say, the seven cantons of the Sonderbund, to expel the Jesuits, and this the minority refused to do. There were other points in:

dispute between them, but those were minor questions. It was likely that this quarrel would lead to an appeal to arms. The majority contended that the separate league of the Sonderbund was inconsistent with the act of confederation, and they accordingly intended to put it down by force of arms. Well, on the 29th of October I wrote a despatch to Mr. Peel, our *Chargé d'Affaires* in Switzerland, and I will read that despatch, in order to show what were the opinions of the British Government in regard to the civil war then on the point of breaking out; and be it observed this despatch was actually written a very few days before the civil war actually began. I will read this in order to show how inconsistent with the opinions thus expressed by me to Mr. Peel, and which he was instructed to make known to M. Ochsenbein, is the report of Count D'Haussonville as to the opinions which he understood Mr. Peel to say, he was instructed to express to the Diet on our part:—

"Sir—With reference to your despatch of the 18th instant, announcing the assembling of an Extraordinary Diet to decide upon ulterior measures for carrying into execution the decrees already passed respecting the Separate League existing within the Swiss Confederation, I have to desire that you will state to M. Ochsenbein, that Her Majesty's Government, animated by the sincerest wish for the welfare of Switzerland, most earnestly recommend the Vorort to pause and well consider all the possible consequences of the step, before they actually commence civil war against the seven smaller cantons. Her Majesty's Government concur with the majority of cantons, in thinking the Sonderbund at variance with the Federal Compact; but at the same time it must be remembered that this union has not any active or aggressive measure for its object; and there does not seem to be any practical evil that must necessarily flow from the abstinence of the Diet from any measures of coercion, for the purpose of enforcing its demand, that the Sonderbund should be dissolved. On the other hand, evils of great magnitude seem likely to be produced by a recourse to such measures. The first and immediate consequence will be a civil war between the differing sections of the Swiss nation; and as civil war is one of the greatest calamities which can befall a people, great must be the responsibility which will weigh upon those, who, without an overruling necessity, shall take the first steps in such a conflict. The next evil will be the too probable interference of foreign Powers as allies; of one of the parties engaged in that civil conflicts and thus to the bloodshed and devastation which attend civil war, and the lasting bitterness and resentments which survive such conflicts, may be added the permanent establishment of foreign influences in the internal affairs of Switzerland, essentially impairing the political independence of the country.

"The majority ought moreover well to weigh their chances of success or of failure, in the conflict in which they are preparing to embark. In

order to succeed, they must conquer the seven cantons; are they likely to be able to do so, even if none but Swiss were to be engaged in the war? Considering the nature of the country of some of these cantons, and the character of the people, it may well be doubted whether even in that case, the Diet would be able to do so. But is it not probable that those neighbouring Powers, who have already supplied seven cantons with arms ammunition and other warlike stores, would, if the seven cantons were reduced to extremity, and were to call for succour, afford them effectual assistance of a still more decided kind; and in that case is it not certain, that the attack of the Diet would fail; and if that attack should fail, either by the unaided resistance of the seven cantons, or by the interposition of stronger Powers, would the attacking cantons remain in the same relative situation in which they now stand towards the other party? Most assuredly not. On the contrary, they would be the beaten party in a war begun by themselves; and the experience of all times shows, that defeats of such a kind, are attended with inevitable evils to the defeated party. Her Majesty's Government entreat the Vorort to take these reflections into their most serious consideration; and truly rejoiced would Her Majesty's Government be, if the Directory were upon mature reflection, to abstain from a course so replete with hazard, and so pregnant with danger to Switzerland.

"I have to desire that you will read this despatch confidentially to M. Ochsenbein, and that you will say, that the communication is prompted solely by the friendly interest which Her Majesty's Government take in the welfare of the Swiss nation."

This despatch was sent on the 29th of October, and on the 4th of November Mr. Peel wrote an answer, reporting at great length a conversation he had had with M. Ochsenbein upon reading to him my despatch of the 29th October. In that conversation M. Ochsenbein stated, that he looked upon civil war as one of the greatest of evils; but he said that the majority of the cantons had no other course but to accept the conflict offered to them by the Sonderbund; and he gave reasons why it was impossible for them to avoid pursuing the course they had resolved upon. This despatch was received at the Foreign Office on the 9th of November. On the 6th of November the Duc de Broglie communicated to me a despatch from M. Guizot, which is also in the blue book; but Gentlemen seem rather to take their information from pamphlets and foreign newspapers, than from the official documents in the blue books. That despatch contained a proposition from M. Guizot, for a joint declaration to be made by the five Powers, for the purpose of putting an end to civil war in Switzerland.

I have been blamed for not accepting this proposal, and for delaying to give an

answer to it till the 16th. It has been said that any verbal alterations which I had to propose, might easily and quickly have been settled, and that a delay of so many days could not be required. Now, what was the proposal which the French Government made? They proposed that the five great Powers, England, France, Austria, Russia, and Prussia, should make collectively a declaration, which should contain, first a statement that they would recommend and support the arbitration of the Pope in regard to the religious question pending in Switzerland. Now that religious question was, whether the Jesuits should be withdrawn or not. The Sonderbund of course would have been glad to accept the arbitration of the Pope, which they would naturally have expected to be given in their favour; but the cantons who wished to get rid of the Jesuits would not have done so. Secondly, it was proposed that we should offer to the States of the Confederation the mediation of the five Powers, for the settlement of all political questions. It was further proposed that a conference should be assembled for this purpose, at some place in the neighbourhood of Switzerland; and that the twenty-two cantons should be invited to send each a deputy for the purpose of examining and determining, in conjunction with the five Powers, two things—first, the means of conciliation between the contending parties; and, secondly, the modifications that should be made in the federal compact. Then it was proposed that the two parties should be required immediately to put an end to the civil war; and that they should be given to understand, that if they refused our propositions, and should proceed with the war, the five Powers would consider the Confederation as no longer existing, and deem all their engagements towards it rescinded; and that in such case the five Powers "*aviseraient*," a diplomatic expression understood as conveying a menace.

Now, in the first place, we felt that the proposed arbitration of the Pope was certain to be rejected by the majority of the cantons; and that the proposition that the twenty-two cantons should send representatives to confer with the five Powers as to the alterations to be made in the federal compact, would not be accepted. Then besides, we could not agree to declare, that if the Swiss refused our proposal, we should consider the confederation as no longer existing—that confederation having

been established by the Treaty of Vienna. Much less could we consent to declare that we should consider the engagements contracted towards that confederation as ceasing to exist; for the main engagements taken by the great Powers towards the Swiss confederation by the treaty of Vienna, are, that they will respect the neutrality of Switzerland, and the integrity of its territory. In fact, the proposition of the French Government amounted in other words to this, that if the Swiss refused our conditions, we would compel them by force of arms to adopt our views. That was a proposal we could not possibly agree to, and it required some consideration to determine what we should propose instead.

On the 16th, in a despatch to the Marquess of Normanby, we made our proposal, which was, to offer the mediation of the five Powers, unaccompanied by any threat, direct or indirect, as a consequence of refusal; leaving the Swiss to accept or reject our mediation as they pleased. The basis of the arrangement which we offered to propose was, that the Jesuits should be withdrawn, either by an act of the Sonderbund cantons themselves, or by a consent to be obtained from the Pope; that the Diet should then declare formally, that it had no aggressive intention against the Sonderbund; and that the Sonderbund, upon receiving this assurance, should dissolve their separate league, which was at variance with the federal compact; that both parties should then disarm, and that peace should thus be permanently restored.

Now, I think that was a just and fair proposal, and it was one entirely in accordance with those principles which we think should regulate the foreign policy of this country. Some communications took place between us and the French Government on the subject of this proposal, and with regard to the wording of a note, which each of the Powers should present to the contending parties in Switzerland. That note was agreed to between me and the Duc de Broglie on the 26th of November; but, on the 16th of November, I had received from the Consul General of Switzerland here, a note, founded on a decision come to by the Swiss themselves, which gave us small hopes of success in the proposal we had agreed to make, though we still persevered in making it. It was a formal declaration on the part of the Diet, that they would admit of no foreign interference

in their dispute with the Seven Cantons. The note to which I have just referred as agreed upon between me and the Duc de Broglie, was sent, not to Mr. Peel, but to Sir Stratford Canning, who was going to Switzerland; but he had to go through Paris on his way, in order to communicate with the French Government.

I should state that he was told, that if, on his arrival in Switzerland he found the civil war at an end, there would be no use in presenting the note, and he was to abstain from doing so. Now, in the mean time, while these communications were going on between the French and British Governments, the French Government had communicated their first proposed draft of note to Russia, Austria, and Prussia; and when we came to an agreement with France for the adoption of our draft of note, the question arose, whether the representatives of those three Powers, in Switzerland, would be authorised to present our note instead of the original French one; and Sir Stratford Canning wrote from Paris on the 3rd of December, that he believed that the representatives of some of those Powers had not at that time authority to present our note.

Now, I am at a loss to divine how it is possible that Mr. Peel could have said, as it is alleged he did, that he would rather resign than present our note; and that to do so would be at variance with all his former instructions. Was not our offered mediation to be accepted or rejected, as the two parties might choose? Did it imply any alternative of force? And did it not go on the basis of a settlement of the Jesuit question according to the wishes of the majority? Did it not provide security for the Sonderbund against hostile aggression by the other cantons? And did it not thus re-establish peace, and put an end to the disputes that threatened civil war? Now, how it was possible that Mr. Peel could say, that such a note was at variance with the despatch of the 29th of October, and with his previous instructions, passes my comprehension to understand. I therefore wholly disbelieve that statement. The only explanation I can possibly give of it is this, that the note of which Mr. Peel and M. Blois le Comte were then talking, must have been the original French note; that they must have been talking of the original French note that M. Bois le Comte had seen; and if that was the note they were talking of, then Mr. Peel was right in saying, that

such a note would have been at variance with his former instructions, and that he would not present it.

Now, as to the assertion that Mr. Peel sent word to General Dufour, who was in command of the army, to make haste to finish the war, before mediation could come, I must say that I wholly disbelieve that statement. All I can say is, that I never wrote a single syllable, private or public, that would justify such a message; and I have never had any intimation, written or verbal, that Mr. Peel ever did anything of the kind. I have been told by Sir Edmund Lyons, that he had a conversation on this matter with Mr. Timperley, the chaplain, who is said by M. Bois le Comte to have been the bearer of this message; and that Mr. Timperley told him that he had been sent by Mr. Peel to General Dufour's headquarters to obtain information, but that he neither took nor delivered any such message from Mr. Peel, as that which has been asserted. I must say, that the manner in which this supposed admission is said to have been extracted from Mr. Peel, does not entitle the story to any great confidence. I confess I would rather be the object, than the worker of a manoeuvre such as that.

Here were two Ministers, representing two great Powers—France and Spain, taking advantage of the intimacy of private intercourse between them and a diplomatic agent of another Power, and, by a preconcerted scheme, endeavouring to extract from him indirectly and by stratagem, an admission of something which they thought he had privately done. But, after all, even supposing he did speak the words attributed to him, still, for aught I know, he may only have been giving them as good as they brought, and may have been mystifying them, just as they sought to entrap him. He might have replied to them, jokingly, "Yes, Gentlemen, we were quite as sharp as you were." I can only say that Mr. Peel had no authority whatever from me to take any such step. I do not believe that he did take that step; I have no ground for believing so. As far as the evidence of Sir Edmund Lyons and Mr. Timperley goes, it directly negatives the assertion. We should have been glad if the proposed mediation had succeeded, because it would have restored peace to Switzerland, and would have left the minority in a better position with relation to the majority. But circumstances rendered it impossible, not from any studied delays on

our part, but simply by reason of the time requisite for coming to an understanding with the French Government, upon the arrangements which the Five Powers were to propose.

It is said that Switzerland is an instance of the bad effects of our interference. But Switzerland may be quoted as an instance of a country, where the principles we have advocated have led to a good result; for while almost all the surrounding nations of Europe have been more or less convulsed, the people of Switzerland have quietly effected changes which I believe to be improvements in their internal organization; and those persons who were at one time looked upon as being what the hon. Member for Bridport calls "Red Republicans"—M. Ochsenbein and others—are now acknowledged to be, as in truth they always have been, lovers and maintainers of good order; and, far from being revolutionists and disturbers of the public peace, they have proved themselves not only sincere supporters of good order in their own country, but also discouragers of disorder in others; for they have gone great lengths in expelling from Switzerland persons who were justly supposed to have resorted there, for the purpose of disturbing the peace of neighbouring countries.

Now, travelling from the rugged Alps into the smiling plains of Lombardy, I find I have been accused of great injustice to the Austrian Government by withholding a certain despatch written by Prince Metternich to Count Dietrichstein. The simple facts of the case are these: The Austrian Government sent to their Ambassador here a despatch, which was to be communicated to us, inviting our opinion on certain questions connected with affairs in Italy. We answered that despatch, and we afterwards laid before Parliament the despatch and answer, in order to give Parliament a view of our opinions and intentions in regard to those important matters. Well, another despatch was received afterwards from Prince Metternich, and it is said that it contained such a denial of the imputation cast upon Austria of an intended interference in the affairs of the independent States of Italy, that we ought to have laid that also on the table of the House. It was, to a certain degree, a denial; but there were things going on, which came to our knowledge, which led us not to attach to that denial all the value it might have been perhaps entitled to. There was the occupation of Ferrara; and communications

were made to Tuscany, that changes in the organization of the Government, and even the establishment of a national guard, would lead to the military occupation of the Tuscan territory by Austria. Indeed, many things were going on in Italy which led us not to attach any vast value to the communications made to us. But if the withholding of that despatch had been considered by the Austrian Government to be such an injury to them as it is now stated to have been, let me ask what was Count Dietrichstein doing between February and August? It was in February that the first despatches were laid before Parliament; and it was in August that the other was moved for, in the House of Lords. But if Count Dietrichstein was asleep upon his post, Prince Metternich surely had his eyes open. The despatches which we laid before Parliament in February were well known. But there was the Austrian Ambassador in this country, he, the views of whose Government it is said were misrepresented by the absence of the second despatch; what prevented him from coming to me of his own accord, or by order of his Government, any day in any week, or any week in any month, or any month in that half year, and saying, "You are acting unjustly by us—there is another despatch in your possession, which you have not produced, and I call upon you, as an act of justice to my Government, to lay that despatch also before the two Houses of Parliament?" This course was open to him, but no such course was adopted.

With regard to our policy with respect to Italy, I utterly deny the charges that have been brought against us, of having been the advocates, supporters, and encouragers of revolution. It has always been the fate of advocates of temperate reform and of constitutional improvement to be run at as the fomentors of revolution. It is the easiest mode of putting them down; it is the received formula. It is the established practice of those who are the advocates of arbitrary government to say, "Never mind real revolutionists; we know how to deal with them; your dangerous man is the moderate reformer; he is such a plausible man; the only way of getting rid of him, is to set the world at him, by calling him a revolutionist."

Now, there are revolutionists of two kinds in this world. In the first place, there are those violent, hotheaded, and unthinking men, who fly to arms, who overthrow established Governments; and who

recklessly, without regard to consequences, and without measuring difficulties and comparing strength, deluge their country with blood, and draw down the greatest calamities on their fellow-countrymen. These are the revolutionists of one class. But there are revolutionists of another kind; blind-minded men, who, animated by antiquated prejudices, and daunted by ignorant apprehensions, dam up the current of human improvement; until the irresistible pressure of accumulated discontent breaks down the opposing barriers, and overthrows and levels to the earth, those very institutions which a timely application of renovating means would have rendered strong and lasting. Such revolutionists as these are the men who call us revolutionists. It was not to make revolutions that the Earl of Minto went to Italy, or that we, at the request of the Governments of Austria and Naples, offered our mediation between contending parties.

Then, with respect to the war in Lombardy, it is said that we ought to have prevented Sardinia from making an attack on Lombardy. A perusal of the blue books will show, that we did apply those arguments which we thought most likely to have force with the Sardinian Government, to induce it not to take up arms against Austria; and it was not until after the revolution had broken out in Milan, and when the Austrians were for a time defeated, and expelled from the greater part of Lombardy, in a manner which can only be accounted for as being the result of a panic, it was not until after those events that the King of Sardinia, being invited by the people of Lombardy, moved and went to their assistance. I do not mean to say that there is in all this any justification—if you look to treaties or to international rights—for the invasion of the territory of a neighbouring Sovereign. As regards right, the King of Sardinia was entirely wrong, and there is nothing to be said for him on that score. But, at the same time, there are feelings and considerations which may at least explain conduct, which one cannot justify, and which one must condemn. He was appealed to by his Italian neighbours; the spirit of his own country was up; and he said, and not without some foundation, that if he had resisted the impulse which urged him on, that impulse might have been sufficient to overthrow his own throne. That was not a consideration which ought

to weigh against the reasons and motives which should prevent the invasion of the territory of a neighbour. Nevertheless, man is man, and we ought not altogether to throw out of the account, circumstances of this kind.

Well, the Austrian Government sent a special envoy to London to ask our mediation between them and the people of Lombardy; and, in the course of the communications, we were told that Austria would consent to an arrangement, the basis of which should be, that Austria should relinquish all right and title to Lombardy. Now, if Austria contemplated that result, are we to be run down for thinking that such an arrangement would have been conducive to the well-understood interest of all parties concerned? We, however, thought at that time, judging from the prevailing feeling in Italy, that this arrangement would not be accepted, unless it were to include also the relinquishment of some portion of the Venetian territory. Our opinion was borne out by what afterwards happened: for when we declined to undertake the negotiation, because the larger basis was not agreed to, the Austrian Government sent agents to Milan to offer such an arrangement, confined only to Lombardy, and the proposition was rejected as too narrow by the people of Milan, who then thought their chance better than it turned out to be. So much for the outrage we are said to have committed on our old and faithful ally by a scheme, which was a proposal emanating from Austria herself.

Now, with regard to the mission of the Earl of Minto, the hon. Gentleman who spoke last, the Member for Bridport, acknowledged that during his late visit to Rome he had found that the Earl of Minto had been invited thither by the Pope himself. It is perfectly true that the Earl of Minto went to Italy in consequence of a wish on the part of the Pope, conveyed to Her Majesty's Government through the Nuncio at Paris, and through other but unofficial channels. It was not a little curious that the wish expressed by the Pope seemed to point precisely to the Earl of Minto, as the person to be sent to Rome. We were told that the Pope was desirous of improving the administrative institutions of his Government; but that he was thwarted in his plans by great difficulties from within and from without; and that he would be glad to have the assistance

ance of some person who might aid him by advice, and at the same time, as representing England, afford him moral support. We were told that if, as was then the case, the state of our law did not admit of our sending a regularly accredited Minister to Rome, the Pope would be glad if we would send thither unofficially some confidential agent. That what was wished was, that this person should be entirely in the confidence of Her Majesty's Government; that he should be conversant with the institutions of this country; that he should be a man of rank; and, if possible, a person who could combine with these qualifications, diplomatic experience. If a form of words had been to be devised, which should exactly describe the Earl of Minto, it could not have been done more correctly.

Accordingly the Earl of Minto, who was going abroad for a short time for health and recreation, was requested by Her Majesty's Government to proceed to Rome; and to Rome he went, taking Turin and Florence in his way; with instructions to give both at Turin and Florence, if consulted by the Governments, and asked to do so, such advice in regard to internal improvements and reforms, as his judgment and experience might suggest.

But neither at Turin, nor at Florence, nor at Rome, did the Earl of Minto advise the immediate establishment of representative and parliamentary government. He well knew that the foundations must be well laid, before you can raise the superstructure; and that good municipal institutions, and the reform of many practical abuses, and especially a sound administration of justice, were necessary as preliminary measures. His advice, as far as it was adopted, bore good fruit; and if it had been more fully acted upon, and if no unexpected events had happened elsewhere, his visit to Italy would have been attended with still greater advantage to that country.

When the Earl of Minto was at Rome, a civil war had broken out between Sicily and the King of Naples. Both parties had applied to Lord Napier, then our *Chargé d'Affaires* at Naples, to mediate between them. The Sicilians founded their application upon the former connexion between England and Sicily, and upon the share which the British Government had had, in the remodelling of the Sicilian constitution in 1812. The Neapolitan Government founded their application upon the well-known interest which has always

been taken by the British Government, in the welfare of the kingdom of Naples. Lord Napier, however, did not undertake the office. He said to the Neapolitan Ministers, that he would willingly go to Palermo, and endeavour to bring about a reconciliation between the Sicilians and the Neapolitan Government, if he could be authorised to propose to the Sicilians such conditions of arrangement as he thought they would be likely to accept. The Neapolitan Government was not willing at that time to authorise such proposals, and Lord Napier did not go to Palermo. But afterwards the King of Naples, hearing that the Earl of Minto was at Rome, expressed a wish that he should come to Naples. Her Majesty's Government had not originally intended, that the Earl of Minto should go further than Rome; but in consequence of a conversation which I had in December, 1847, with Prince Castelcicola, I had sent the Earl of Minto instructions to go on to Naples, if he should receive through Lord Napier an intimation that the Neapolitan Government wished him to do so. He did receive such an intimation, first through Lord Napier, and afterwards by a messenger who was specially sent to him by the Neapolitan Government, and who met him on the road between Rome and Naples.

The object he had in view, and the mission which, when he arrived, he was requested to undertake, was to employ his good offices to effect a reconciliation between the Sicilians and the Neapolitan Government.

The reply which he gave to those who asked him to undertake the task, was, that he would go to Palermo with pleasure, if he had a fair prospect of being able to do good; but he said he knew something of Sicily; and he forewarned the Neapolitan Government, that unless he was authorised to offer certain conditions to the Sicilians, his going to Palermo would be of no use whatever. He did all that man could do, to induce the Neapolitan Government to accede to those terms. He was engaged on one occasion from five o'clock in the afternoon till one in the morning, in deliberation with the King and the Ministers, discussing the arrangements to be proposed to the Sicilians; and then, forsooth, we are accused, of uncalled-for interference in the affairs of Sicily. The result was, that he was authorised to propose an arrangement which the Sicilians might reasonably have been

urged to accept; and to Palermo, with that arrangement he went.

Oh, but it has been said, the Earl of Minto went to Palermo, not to do a service to the King of Naples, but to inflict a treacherous wrong, by secretly encouraging the Sicilians to separate Sicily from the Crown of Naples. Well, what happened? He knew that the conditions of which he was the bearer, fell short of the demands of the extreme party in Sicily; those terms were a compromise, and involved concessions to be made by both sides. He had represented that it was of great importance that these proposals should not be known in Sicily till he should arrive there, and be able to explain to the leaders the reasons which would make it wise to accept them. On his arrival in Sicily he found that the Neapolitan Government had already made these conditions known in Palermo; and that those conditions had already been canvassed, discussed, run down, and condemned by both parties at Palermo. Still, however, if nothing else had happened, he might perhaps have succeeded in the object of his mission. But just at this moment arrived the news of the French Revolution. This was a spark that set fire to all the combustible matter throughout Italy. No wonder that the news turned the heads of the Sicilians, and made them suddenly determine no longer to acknowledge the King of Naples as their sovereign.

The Earl of Minto on reaching Palermo, was told of this new determination, and was at the same time informed that it was the intention of the Sicilians to receive him with great honour, as the representative of a Power, that was going to support them in their independence. The Earl of Minto, however, said, that he came on the part of the King of Naples and of Sicily, and unless he were received by the Sicilians as subjects of that sovereign, he would go back to Naples. In deference to his wishes, the Sicilians consented to discuss an arrangement based on the principle of security for their liberties, combined with allegiance to the King of Naples. Was that a revolutionary proceeding? Negotiations followed, but the Sicilians unfortunately would not accept the terms, and they were certainly good ones, offered them by the King of Naples. Upon this statement of facts, was not Lord Napier justified in saying, in July following, that the English Government

had been acting a friendly part towards the King of Naples?

Then it has been made a matter of complaint that the English Government made known to the King of Sardinia, that if the Duke of Genoa were chosen King of Sicily, and were in actual possession of the Crown—not if it were merely accepted by him as has been represented—he would be acknowledged by England. It was at that time the opinion, not of England alone, but of the Neapolitan Government itself, that the King of Naples had no chance of recovering possession of Sicily. The Neapolitan Minister in this country was instructed to express, on the part of his Government, a hope that the English Government would not prematurely acknowledge the independence and separation of Sicily; but would wait till the whole of the island had declared itself for separation. Now, would it have been wise and right on our part to acknowledge the Duke of Genoa as King of Sicily? On that point I expect to have the approval of hon. Gentlemen opposite. Events indeed have shown that the opinion then entertained as to the probable result of the war in Sicily was incorrect; but it was then generally thought that the King of Naples had no chance of re-establishing his authority in that island. The choice then lay between a monarchical and a republican form of government for Sicily as a separate State. Looking merely to the interest of the King of Naples, independently of other reasons, it was desirable that there should not be a republic established in the immediate neighbourhood of the kingdom of Naples; and the King of Naples himself was not insensible to that consideration. The offer, however, made by the Sicilians to the Sardinian Government, that the Duke of Genoa should become King of Sicily, led no result.

Under these circumstances, I am justified in denying that the policy which we pursued in Italy was that of exciting revolutions, and then abandoning the victims we had deluded. On the contrary, I maintain that we gave advice calculated to prevent revolutions, by reconciling opposite parties, and conflicting views. Ours was a policy of improvement and of peace; and therefore the Government deserves not condemnation, but praise.

We have been told, however, that if it had not been for the war in Lombardy, the indispensable interference of Russia in Hungary would not have taken place.

What might have happened, if that which did happen, had not happened, I cannot undertake to say. But when I look at the deep-seated causes of contention between Hungary and the Austrian Government; when I look to the comparative resources and power of the conflicting parties; I cannot persuade myself that even if a part of Radetzki's army had been available for the war in Hungary, and the whole of it could not have been sent thither, the aid, the indispensable aid, as it has been termed, of Russia, would not still have been required. I, therefore, do not feel that the English Government is chargeable with any of the bloodshed which resulted from that Hungarian contest.

With respect to the questions which arose last autumn about Turkey, no blame has been imputed to Her Majesty's Government for the course which we pursued on that occasion, in answer to the appeal made by Turkey to this country and to France, for moral and material assistance. On that point all parties are agreed. It is a proud and honourable recollection which Englishmen may treasure up, that on an occasion like that, all party differences were merged in high and generous national feeling; and that men of all sides concurred in thinking, that the Government of the Queen would not have been justified in rejecting an appeal so made, on such a subject.

But it has been said that we ought to have confined our interference, at first, to sending a despatch, and that we should not have sent our fleet until we knew whether our despatches would produce the desired effect. That would have been a very imprudent and unwise course of proceeding. The agents of the two imperial Governments at Constantinople had used most menacing language to the Porte; had demanded the surrender of the refugees in the most peremptory manner; and had said, that if they did not receive a categorical answer within a limited time, they would suspend diplomatic relations. In short, they intimated that a refusal of their demands might lead to war. We had no means at the time of knowing whether this violent and peremptory language was or was not authorised by the Courts of Russia and of Austria; and whether those Governments were prepared to enforce by actual hostilities the threat so held out. It was impossible to say what might occur in the interval between the 6th and the 26th of October; between the day when

the despatches of the British Government were sent off to St. Petersburg and Vienna, and the day when, if it were necessary on the receipt of the answers to send a fleet, that fleet, sent only after the answers were received, could reach the place where its services might be required. The Government did, what men of prudence would do, who mean to do that which they profess.

But it has been said that the sending of this fleet was a threat against Russia and Austria. I utterly deny that the sending of the fleet was a threat against either the one or the other. A fleet at the Dardanelles was not a threat against Austria. If it had been in the Adriatic, it might have been so regarded. A fleet in the Mediterranean was not a threat against Russia. Had it forced its way through the Dardanelles and Bosphorus, and had gone up to the Black Sea, and had anchored off Sebastopol, it might have been so considered. But a fleet at the mouth of the Dardanelles could be a threat against nobody; it must be manifest to the world that it could only be a symbol and source of support to the Sultan. It was a measure purely of defence, and not a measure of offence.

But then we are told that our fleet, by anchoring within the outer and inner castles of the Dardanelles, violated, not the Treaty of Unkiar 'Skelessi, as was said by mistake, but the Treaty of London, concluded in July, 1841, between the Five Powers and Turkey, with respect to the passage of the Dardanelles and Bosphorus. The British Government are accused of violating that treaty by ordering Sir W. Parker to enter the Dardanelles.

Now, by the treaty of 1809, between England and Turkey, England bound herself to respect the rule of the Turkish empire, by which, while Turkey is at peace, the Straits of the Dardanelles and of the Bosphorus are closed against the ships of war of foreign Powers. But it was not till the treaty of 1841, that the same engagement was also taken by all the other four Powers. I concur entirely with the right hon. Baronet the Member for Ripon in thinking that this was a wise and politic arrangement, eminently advantageous to Turkey, and conducive to the peace of Europe. Because when it is considered how easy it would be, if these narrow straits were open to the armed ships of other countries in times of peace, for any maritime Power, when she had a discus-

sion of any kind with the Turkish Government, to support the friendly representations of her Minister at Constantinople by the, of course, accidental visit of a large fleet off the Seraglio point—whether the fleet came from the Black Sea or the Mediterranean, it appears essential for the maintenance of the independence of the Porte, that no armed vessels of other Powers should, when the Porte is at peace, be allowed to enter either of those straits.

By the Treaty of July, 1841, Austria, France, Great Britain, Russia, and Prussia, all bound themselves to respect that regulation of the Porte. It so happens, however, that that treaty did not specify precisely what those Straits are, whether they comprise the whole distance between the Mediterranean and the Sea of Marmora, and the whole distance between the Sea of Marmora and the Black Sea, or whether they consist only of such portion of those channels as are technically called the Straits of the Bosphorus and of the Dardanelles. At the entrance of the Dardanelles from the Mediterranean, there is a broad bay between the outer and the inner castles, and it is from the inner castles to the Sea of Marmora that the channel continues narrow. At the inner castles reside the Consuls; and it is there that tolls are taken from vessels passing; and there the firmans are delivered to allow vessels to pass up. In regulations established by the Porte in 1843, it was stated in general terms, that foreign ships of war and merchantmen should be admitted to this bay between the outer and inner castles for safe anchorage, and to wait there to know whether they would be allowed to go further. When the fleet under Sir W. Parker arrived at Besica Bay, which is on the coast of Asia Minor, the Turkish Government, who expressed great gratitude to Sir Stratford Canning for the arrival of our fleet, stated an apprehension that the anchorage in Besica Bay, in certain states of wind and weather was not safe for large ships; and they offered to send an authority to admit the fleet under Sir W. Parker, and not only it, but the French fleet also, into the outer anchorage of the Dardanelles, at times when it would be dangerous for them to remain at Besica Bay. That was communicated to the British Consul at the Dardanelles, and to the Turkish Pasha in command there.

A week or ten days after Sir W. Parker had arrived at Besica Bay, the wind coming on to blow from the quarter from which it

made that open anchorage insecure, Sir W. Parker went with his squadron to Barber's Bay, the outer anchorage of the Dardanelles. But I had written to Sir Stratford Canning specially to desire that in order to avoid all cavil and discussions, the fleet should not enter into the Dardanelles, unless wanted at Constantinople for the purposes for which it was sent. Sir Stratford Canning accordingly communicated with Sir W. Parker, and after the squadron had remained a week or ten days in Barber's Bay to refit, it left that anchorage and returned to Besica Bay, with the understanding that if stress of weather should again drive it thence, it should not return to Barber's Bay, but should seek shelter elsewhere.

The Russian and Austrian Governments afterwards made representations both to the Porte and to Her Majesty's Government on this matter; stating that they considered the entrance of the British fleet into Barber's Bay as a contravention of the Treaty of July, 1841. It might have been contended that the presence of the British fleet in the outer bay was not a violation of what was intended by the treaty; because the treaty bound the Five Powers to conform to the regulations of the Porte in regard to the two Straits of the Bosphorus and Dardanelles; and the standing regulations of the Porte admitted ships of war, as well as merchantmen, to enter into and remain in Barber's Bay, and to wait there for a decision whether they could be allowed to go farther up or not. But the Government did not think it wise, right, or proper to take their stand on so narrow a ground. Having desired that the treaty of July, 1841, should be concluded, they thought it better to adopt the strictest interpretation of that treaty, the interpretation put upon it by Russia, that the Straits of the Bosphorus and Dardanelles should be held to mean the whole distance between the Black Sea and the Sea of Marmora on the one side, and between the Mediterranean and the Sea of Marmora on the other; so that if British ships of war should not enter the bay between the inner and outer castles of the Dardanelles on the one side, Russian ships of war should not, on the other hand, be allowed to anchor at Buyukdere in the Bosphorus, where merchant ships from the Black Sea are in the custom of stopping. It is needless to mention that this prohibition does not apply to light ships, such as corvettes and steamers, employed for the missions at Constan-

tinople; the firman of the Porte being first obtained for their passing.

I believe I have now gone through all the heads of the charges which have been brought against me in this debate. I think I have shown that the foreign policy of the Government, in all the transactions with respect to which its conduct has been impugned, has throughout been guided by those principles which, according to the resolution of the hon. and learned Gentleman the Member for Sheffield, ought to regulate the conduct of the Government of England in the management of our foreign affairs. I believe that the principles on which we have acted are those which are held by the great mass of the people of this country. I am convinced these principles are calculated, so far as the influence of England may properly be exercised with respect to the destinies of other countries, to conduce to the maintenance of peace, to the advancement of civilization, to the welfare and happiness of mankind.

I do not complain of the conduct of those who have made these matters the means of attack upon Her Majesty's Ministers. The government of a great country like this, is undoubtedly an object of fair and legitimate ambition to men of all shades of opinion. It is a noble thing to be allowed to guide the policy and to influence the destinies of such a country; and, if ever it was an object of honourable ambition, more than ever must it be so at the moment at which I am speaking. For while we have seen, as stated by the right Baronet the Member for Ripon, the political earthquake rocking Europe from side to side—while we have seen thrones shaken, shattered, levelled; institutions overthrown and destroyed—while in almost every country of Europe the conflict of civil war has deluged the land with blood, from the Atlantic to the Black Sea, from the Baltic to the Mediterranean; this country has presented a spectacle honourable to the people of England, and worthy of the admiration of mankind.

We have shown that liberty is compatible with order; that individual freedom is reconcilable with obedience to the law. We have shown the example of a nation, in which every class of society accepts with cheerfulness the lot which Providence has assigned to it; while at the same time every individual of each class is constantly striving to raise himself in the social scale—not by injustice and wrong, not by violence and illegality—but by persevering

good conduct, and by the steady and energetic exertion of the moral and intellectual faculties with which his Creator has endowed him. To govern such a people as this, is indeed an object worthy of the ambition of the noblest man who lives in the land; and therefore I find no fault with those who may think any opportunity a fair one, for endeavouring to place themselves in so distinguished and honourable a position. But I contend that we have not in our foreign policy done anything to forfeit the confidence of the country. We may not, perhaps, in this matter or in that, have acted precisely up to the opinions of one person or of another—and hard indeed it is, as we all know by our individual and private experience, to find any number of men agreeing entirely in any matter, on which they may not be equally possessed of the details of the facts, and circumstances, and reasons, and conditions which led to action. But, making allowance for those differences of opinion which may fairly and honourably arise among those who concur in general views, I maintain that the principles which can be traced through all our foreign transactions, as the guiding rule and directing spirit of our proceedings, are such as deserve approbation. I therefore fearlessly challenge the verdict which this House, as representing a political, a commercial, a constitutional country, is to give on the question now brought before it; whether the principles on which the foreign policy of Her Majesty's Government has been conducted, and the sense of duty which has led us to think ourselves bound to afford protection to our fellow subjects abroad, are proper and fitting guides for those who are charged with the Government of England; and whether, as the Roman, in days of old, held himself free from indignity, when he could say *Civis Romanus sum*; so also a British subject, in whatever land he may be, shall feel confident that the watchful eye and the strong arm of England, will protect him against injustice and wrong.

Debate further adjourned till Thursday.

HOUSE OF COMMONS,

Wednesday, June 26, 1850.

MINUTES.] PUBLIC BILLS.—1st Improvement of Towns (Ireland); Distress for Rent (Ireland).
2^d Copyholds Enfranchisement.
3^d Larceny Summary Jurisdiction.

COUNTY RATES BILL.

Order for Second Reading read.

SIR H. HALFORD, in moving the Second Reading of this Bill, thought it to be a measure required for the sake of justice, and one, at the same time, most expedient, as tending to the removal of a great cause of jealousy and dissatisfaction between landlord and tenant. The object in making the county and police rates payable by the landlord, was only to reconcile the form with that which was, for the most part, virtually the fact, and ought in justice to be always the fact in regard to these burdens. He could refer to high authorities in the House and out of the House to show that the real incidence of local taxation was on the owner, and not on the occupier. The hon. Member for the West Riding had observed, in a debate during the last Session, that no man's opinion was worthy of a moment's consideration who did not admit that fact. The same assertion had been made in terms equally strong by the hon. Member for Montrose, and by the right hon. the Chancellor of the Exchequer. In 1843, the Poor Law Commissioners were directed to inquire into the subject of local taxation. In their voluminous and able report, they strongly advanced the same doctrine, and agreed in recommending that all local taxation, as falling on real property, should be imposed on the principle of direct chargeability to the owner. The Bill before the House, however, did not go to the extent of this recommendation. It extended to the county and police, but not to the poor and borough rate. There was a distinction. The county and county police rates were levied almost exclusively upon land. Now, it had been noticed by Adam Smith, that a house being an unproductive subject, a tax upon it fell upon the occupier; whereas, taxes on land as a productive subject, were taxes on the owner. The poor-rate, it was true, in country districts, was a tax upon the land, but under different circumstances from the county rate. It was a parochial tax for parish purposes, fluctuating from week to week, and intimately connected, among an agricultural population, with the employment of labour in the hands of the farmer. It was right and necessary, therefore, that the farmer should be partaker at once in the responsibility as to the amount required, and have a share in the administration of the fund; but the case was widely different with regard to the county and

police rates. These were for the general purposes of a large district comprising many parishes: in the levy and application of them the occupier had no control; and the county rate was often for permanent objects, in which he had only a transitory, or perhaps no interest at all. That these rates gave rise to much jealousy and dissatisfaction was sufficiently proved by the number of petitions, signed in a vast proportion, he believed, by occupiers of land, and presented in the last and present Session, in favour of a Bill prepared by the hon. Member for Manchester (the County Rates and Expenditure Bill). That Bill had been referred to a Committee upstairs. The House was not yet in a condition to know precisely how it had been there dealt with; but this he believed he might safely affirm, it would never again come before them in the shape of a Bill. It contained a monstrous anomaly, as admitting the occupiers of land with no property qualification to a share in the administration of a tax which they did not ultimately pay; or if they did pay any part of it, it was accidentally and by surprise, and under the pressure of injustice. Such injustices occurred when a large sum of money was levied at once for a permanent structure, as of a county prison or lunatic asylum, involving a call upon the occupier of land, which he might be about to quit at the expiration of one, two, or three years, for a full share on account of such land. He knew of no way by which this injustice could be effectually prevented, but by an unequivocal legislative acknowledgment of the proper incidence of the county rate upon the owner, capable of being easily carried into operation, as proposed in this Bill, by the same power of deduction from rent as was given to the tenant with regard to the landlord's property tax. Such a measure as applied to the county rate was in strict conformity with principle, and there was sufficient precedent for it. To go no further back than the present Session, it had been recognised in a Bill introduced by the hon. Member for Wiltshire (Mr. Sotherton), and which he believed had actually become law, as regards lunatic asylums. It would not be easy to show how that which was just with regard to lunatic asylums, was not equally so with regard to prisons or bridges. He had been accused of having brought forward this measure in a spirit of antagonism to the County Rates and Expenditure Bill. He denied that such was the case. It

was very possible some alteration might be desirable in the constitution of courts of quarter-session, by which the real rate-payers might be admitted to a more direct control than they had at present over their financial proceedings; but this object he thought would be facilitated and not impeded by removing the occupiers of land from the consideration of the subject, as relieved from all contribution, nominal or real, to the county funds. Surely this was a preferable alternative for their sake, to that of admitting them to a share in the administration of those funds; and if the Bill was just and expedient on general grounds, it could not be considered as inopportune at the present moment. As an abstract position, it was certainly true that the ultimate incidence of the county rate, however paid, was on the landlord, and consequently that the transfer of its payment from him to the tenant would, when matters came to be finally settled, involve a difference *pro tanto* in the rent; but the relation between landlords and tenants was at present in an unsettled state. Until the effects of free trade on those relations were ascertained by further experience, they could not be adjusted. In the mean time, the farmers had to bear the brunt and burden of the change. At an agricultural meeting in the county he had the honour to represent, he had endeavoured to console the farmers by telling them they and the landlords were all in the same boat. The observation, trite and superficial as it was, did not escape animadversion from one of those present. "True," he said, "we are all in the same vessel, and if she goes down we shall all sink together; but there is this difference between us and the landlords, that while they and their property are under hatches, the tenant farmers and theirs are all on deck, liable to and swept away by the first effects of the storm." He thought it a fair argument in support of this measure, that, in some degree at least, at this critical period it would operate as a protection to a class than which there was no other more entitled to the consideration of the House, and believing it, moreover, to be on every account just and expedient, he submitted it to a second reading.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CORNEWALL LEWIS must deny the accuracy of the statement of the hon.

Baronet, when he said "the Poor Law Commissioners in their report on local taxation recommended the general rating should be imposed on and levied from the owners, not the occupiers." The Poor Law Commissioners recommended a consolidation for the purpose of improving the mode of assessment; but they did not recommend that in all classes of tenements the rates should be imposed on the owners not on the occupiers, except in cases of small tenements. The Bill which they were then called upon to consider introduced the general principle, that in the tenements of classes, large and small, there should be a reduction of the rate by the occupiers from the owners. But that was a principle that never had been admitted by the law of England. The principle was, that the incidents of the rate should be on the occupiers, not on the owners; and only in special cases, where a peculiar cause could be shown, the reduction was permitted to be held by the occupier against the owner. The special case existed, for instance, in the matter of small tenements. The reasons were fully stated in the debate that took place on the introduction of the measure at the opening of the Session, as to why, in the case of small tenements, the owners, not the occupiers, should be rated. If the hon. Baronet had confined the Bill before the House to county buildings, such as prisons, courts, and lunatic asylums, he (Mr. C. Lewis) would have made no objection to the second reading; but because it comprehended the police rate, highway rate, and county rate in general, he could not give his assent to the second reading of the measure, and should move that the Bill be read a second time that day six months. If they once admitted the principle in this instance, they should admit it in others, as in the case of the county and police rates. Therefore he thought the House would not act unwisely in assenting to so important a privilege; and he therefore felt constrained to oppose the measure.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR H. HALFORD, in justice to himself, felt bound to advert to what had fallen from the hon. Member for Herefordshire (Mr. C. Lewis), who had accused him of inaccuracy in the representations he had made of the recommendations of the Poor Law Commissioners in their Report on

Local Taxation. In page 94 of that Report the following passage occurred under the authority of those Commissioners :—

"Many inconveniences and anomalies arise from the fact, that the legal character of the poor-rate and of all the local rates, except the sewers rate, is not made accordant with its real and essential character. These rates are essentially taxes on the rent of the landlord, not taxes on the occupier's profits; no legal declarations, no limitations of legal remedies to the person and goods of the occupier, however much they may disguise the aspect of the tax, or make its burden operate unequally on rent, can make it fall permanently on anything but rent. If these same rates were all avowedly laid upon the landlord, but made leviable upon any goods found upon the rated property, the occupier being enabled to deduct his rate from his rent, the amount of net rent which would then be paid to the landlord, would doubtless be the same as now, but there would be no disguise of the real incidence of the burden. Then also the right of the landlord to a superior share of power in vestry and in the election of guardians, to protect himself from injustice in the imposition, and mismanagement in the administration, of the taxes, to which he would then be seen to be the sole contributor, would not be viewed with the present jealousy, if indeed it were at all contested."

Much more was contained in the report in condemnation of the attempt to give taxes, referred to the appearance of occupier's taxes, and in recommendation of making their real incidence apparent; but he thought the passage he had recited sufficient to vindicate all he had said respecting the opinion of the Poor Law Commissioners, on the subject of local taxation.

SIR J. PAKINGTON thought there was so much truth in what had just been said by the hon. Gentleman, that he would recommend his hon. Friend the Member for South Leicestershire not to press the Bill to a division. It was impossible to approach this subject in the way proposed in the Bill without seeing that what was good for county rates was good for poor-rates and highway rates, and every description of local taxation.

MR. M. GIBSON said, that from his experience of Select Committees he was prepared to say that they did not always discharge the duty assigned them in the sense in which the House understood they were bound to do. He felt it his duty to call attention to the proceeding of the Committee with reference to the County Rates and Expenditure Bill, submitted to them at the commencement of the Session. That Committee undertook to consider the best mode of carrying out the intention of the House, by devising machinery by which

the principle of the Bill could be carried into practical application—

MR. T. EGERTON rose to order.

MR. SPEAKER said, that the right hon. Gentleman was strictly in order.

MR. M. GIBSON continued: He would be unwilling to infringe the Orders of the House, but the Bill to which he was referring, and the Committee also, had been mentioned in the speech of the hon. Baronet who moved the second reading of the Bill. He considered the measure at present before the House was an extremely injudicious one, and if carried out in the form in which it had been introduced, it would be a great injustice to the owners of property. He had been charged with indifference to the rights of the magistrates, because he wished that the ratepayers should have control over the disbursements of taxation. But he could not agree to the principle involved in the Bill, that after a landlord made an agreement with a tenant on a lease of twenty-one years, and when the rent had been arranged, with due regard to the rates to be paid, that then, in each succeeding year, the landlord, having paid the rate, should not be allowed to charge it against the tenant. He thought the better way to secure justice would be to allow the ratepayers at large a control, by representation, over the assessing and expenditure of county rates; and, entertaining these views, if the hon. Baronet pressed the second reading to a division, he should vote against his Motion.

MR. ROBERT PALMER approved of the principle of the measure, so far as that the owner should pay the expenses of all permanent improvements made by the tenant. But if the hon. Baronet pressed his Bill beyond that consideration, he (Mr. Palmer) should vote against him.

MR. AGLIONBY suggested to the hon. Baronet the good policy of withdrawing the Bill.

MR. SOTHERON hoped his hon. Friend the Member for South Leicestershire would listen to the suggestions made, and be content with having the measure referred to the consideration of a Select Committee.

SIR H. HALFORD stated his readiness to comply with the suggestions made by his hon. Friends, on the understanding that the matter should be referred to a Select Committee.

CAPTAIN HARRIS said, the Bill was founded neither on justice nor policy.

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Agricultural distress must be remedied, not by such means, but in a fair, just, and equitable manner.

Mr. T. B. HILDYARD considered the principles of the Bill most objectionable, and believed the practical consequences of passing it would be, that burdens which fairly belonged to the tenant would be borne by the occupier. The landed interest could not sustain the operation of such a measure. If the Bill were adopted, its principle would not stop there, but would be extended to poor-rates and other imposts.

Sir H. HALFORD said, that as the House appeared generally opposed to the Bill, he would not press it to a second reading, but he would introduce a similar measure early in the next Session.

Question, "That the word 'now' stand part of the Question," put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

LARCENY SUMMARY JURISDICTION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 119; Noes 25: Majority 94.

Main Question put, and agreed to.

Bill read 3^o.

Clauses added; Bill passed.

COPYHOLDS ENFRANCHISEMENT BILL.

Order for Second Reading read.

Mr. AGLIONBY moved the Second Reading of this Bill. The principle of it was, that they should relieve copyhold tenants throughout the country from many of those forms and regulations which were the remains of the feudal system, and which weighed so heavily upon them as to be productive of great dissatisfaction. If the House would consent to go into Committee, he would make every exertion to adapt the Bill to the interests of all.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. CHRISTOPHER opposed this Bill on the same ground he had assumed against the former measure on the same subject—that it was one-sided, and in favour of the tenant as against landlords and lords of the manor. It was impossible to make the Bill satisfactory to both the landlords and tenants, and he should, therefore, resist the second reading.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Sir G. GREY did not disapprove of the principle of the Bill, in favour of which there was much unanimity, but there were great difficulties in the way of a satisfactory adjustment of the question by legislation. The hon. Mover could not expect to make much progress this Session; but in the mean time he thought the Bill might be read a second time and referred to a Committee, and he would vote for that course if there was a division.

Mr. AGLIONBY, in reply, said the great merit of the Bill was, that it enfranchised all copyhold property from that which was objectionable, and left those parts untouched which were of benefit to the tenant or the public. He was willing to refer the Bill to a Select Committee; but he trusted that the House would consent to the second reading.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 103; Noes 84: Majority 19.

Main Question put, and agreed to.

Bill read 2^o, and committed for Wednesday, 17th July.

ACCIDENTS ON RAILWAYS BILL.

Order for Second Reading read.

Mr. NEWDEGATE moved the Second Reading of this Bill, the object of which, he said, was to provide for compensation to be made to medical men who rendered their services to parties injured by accidents on railways. The measure had originated from an accident upon the Midland Railway, when one of the officers of the company engaged a surgeon to attend upon the sufferers. One person was severely injured. He was removed to an adjoining public-house, and Mr. Sands Cox, an eminent surgeon at Birmingham, who had been called in by a servant of the company, found it necessary to amputate the leg at the hip-joint. The company paid

150*l.* to the sufferer, thus acknowledging that the accident had occurred through the negligence or misdirection of their servants; but they refused to pay the surgeon, on the ground that their servant who called him had no authority for such a purpose. The case was tried at the Warwick assizes, and during the trial, Mr. Justice Maule, who presided, begged to know whether the railway company were serious in their opposition to the claim. The learned Judge even added, that if they refused to satisfy such a reasonable demand, they had better post up at their termini notices that if any accident occurred on the railway, no medical assistance would be provided by the company. The company carried the case to the superior courts, where it was ruled that the company was not liable for the expenses incurred by their officer, which had been the means of saving the man's life, but that the officer was himself liable. This decision excited so much interest that a public meeting was held in Birmingham, the inhabitants of which indemnified Mr. Sands Cox, and the publican also at whose house the sufferer had been kept. In another case a poor man was killed upon the Lancashire and Yorkshire railway, and the judge of the Wakefield county court also decided that the company was not liable for the surgeon's expenses, but that the officer who called him in was liable. In a subsequent case a dreadful accident occurred upon the Lancashire and Yorkshire line, by which one of their own servants, a stoker, was thrown from an engine, and his leg cut off by one of the wheels passing over it. The servants of the company were called upon to send for assistance. They refused to do anything of the kind, though the man's leg had been taken off, but they said, "We will send him on to Bolton, and place him in the dispensary." The man, however, died, and no wonder, such was their fear of incurring liability, and the amputated leg was actually left upon the road. He asked the House whether it could possibly be the intention of Parliament to permit the law to remain in a state which had the effect of inducing persons to behave with such horrible indifference to human life? The measure he now submitted to the House provided that railway companies should be liable, in the first instance, to send for medical assistance in case of accident; but it enabled them to recover the expenses of the treatment from the person injured, if he was competent; or from the

parish, if he was a pauper; and that they should not be saddled with these expenses at all, unless the accident was the result of their own or their servants' negligence. He contended that as the Legislature had required that emigrant and passenger vessels should be provided with sufficient medical attendance, it was only reasonable that railways should be compelled to adopt some analogous provision. In cases of this nature there ought to be some exception to the rule of law with regard to agency, on the ground that the moment a passenger took his seat in the carriage he immediately became subject to a series of by-laws of which he knew nothing, and because passengers ought to be duly cared for. It might be argued that accidents were rare. Then so would be the liability. The Bill, in fact, was a poor man's Bill, and he entreated the House to perform an act of mercy by consenting to the second reading.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. ELLIS opposed the Bill, which he said had been brought in in consequence of the accident on the Midland line. He was a director of two of the most extensive railways in the kingdom—the London and North Western, and the Midland; and he could safely say that his brother directors on these lines had never endeavoured to shelter themselves by any quirks of the law from the payment of all fair and reasonable expenses arising out of accidents. With reference to the case on the Midland line, the man took a twopenny ticket to go a short distance; he was at the station twenty minutes before the train started, and, instead of getting into his own carriage, he put his foot on the steps of a first class, and as the train was about to start, he made a spring towards a truck and fell. The company, not being in anywise to blame for the accident, were advised that they were not liable. The man was attended, and by and by a large bill was sent in for payment. The company instructed their counsel to settle the matter for 200*l.* That offer, however, was refused, and subsequently it was settled for 150*l.*, exclusive of the costs, which amounted to 70*l.* additional. The company then supposed that they had done with the case; but great was their surprise when they were afterwards informed that the 220*l.* was for the injured man himself, and that that sum did not cover the costs.

Four actions were immediately commenced against the company. The latter resisted, and appealed to the Court of Exchequer, where a rule was made absolute for a non-suit. As the parties who brought these four actions had intended to pluck the railway company, they were made to pay the costs. He begged to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

MR. ADDERLEY supported the Bill. He thought the existing state of the law exposed Her Majesty's subjects to great danger. There was not a word in the present Bill which would render railway companies liable for anything that did not happen through their own neglect. An action was now maintainable against a company for its own acts, but no action was maintainable against it for the acts of its servants, and this Bill rendered it liable in the latter case, and very properly so, for a remedy had now become absolutely necessary.

COLONEL SIBTHORP thought the country owed a debt of gratitude to the parties who had been instrumental in introducing this Bill. He thought railway companies should be compelled to make ample compensation in all cases where lives were lost through the neglect of their servants, and that they should grant annuities to the widows and children of the deceased. He hoped, also, the day was coming when a director and an experienced surgeon would be compelled to travel in every railway carriage, in order that both might be present at once in case of accident. He believed it was all trash to talk of railway companies feeling for the public, they cared only for self.

MR. LABOUCHERE said, he could not recommend the House to agree to the second reading of this Bill, because the principle it involved was extremely objectionable and one which should not be sanctioned without mature deliberation. Exceptional legislation on questions of this kind was very much to be feared. The effect of the Bill would be to alter the general law of the land, as to principal and agent, without adequate cause. The principle of the measure would establish it in all cases as the duty of the servant of a railway company to call in medical aid, and it would render the company in all cases re-

sponsible in the first instance for the payment of the surgeon. That would be a complete departure from the general law of the land. Railway companies would, if this Bill passed, be placed in a different position from the proprietors of steamboats, coaches, and mills; and the House ought to be sure that there was a great practical evil to be guarded against before they passed it. He could not agree that such an evil existed. If an accident happened, no one would contend that the railway companies should be liable to pay for medical assistance, unless it happened through the fault of themselves and their servants; and if it did so happen, it was clear that the injured party had an opportunity of obliging the company to pay his surgeon's bill without disturbing the general law of the land by an enactment of this kind. For a person so injured would have an action against the company, and the jury would assess the damages. His objection was directed to the principle of the Bill, which he thought would operate unfairly.

MR. SPOONER said, that a very strong case should be made out before they altered the law on this subject. But he believed that such a case was fully made out by the actions at law which had already taken place, and by the evidence on which it appeared that the servants of the railway companies positively refused to go for medical assistance. In one county court the decision was that the company was liable for the surgeon's fees; in another, that the servants were liable, and were made to pay damages. The consequence of that decision was that no servant would fetch a medical man in case of accident. This Bill proposed to remedy that great grievance, and he could not conceive that the House would reject it. It proposed that when accidents happened on a railway, every servant should be bound in such cases to go for medical aid. The liabilities of railway companies would remain as they were. The Bill merely proposed that the companies should be liable in the first instance, and if it afterwards appeared that they were not blameable, then they had their remedy at law. He hoped the House would consent to the second reading of the Bill.

The ATTORNEY GENERAL opposed the Bill. He conceived that nothing was more dangerous than legislating for exceptional cases. They must not be governed by two opposite decisions of county courts.

The judge of a county court who decided that the railway servant who ran in a hurry for a medical man in case of an accident, was liable for the payment of that medical man, was mistaken in his interpretation of the law. They must take the law from the Court of Exchequer. The servant was clearly not liable, because there was no "work or labour" done by him. The Bill was far from being complimentary to the medical profession, for it assumed that medical men under such circumstances were not satisfied with the chance of being paid by the person injured, if he were rich enough to pay him, or with almost the certainty of payment if the person were poor and brought his action against the company. If the principle of the Bill were admitted, there would be no reason for not extending it to coaches, steamboats, mines, and collieries, and all such places as accidents were liable to occur in. He would venture to say, as the result of considerable experience, that nothing was more dangerous than exceptional legislation of this kind. He had heard Judges in courts of common law say that hard cases made bad laws, because in such cases they were frequently influenced by their feelings to strain the law in favour of the injured party. If then, in courts of law, hard cases made bad laws, he thought, if the House allowed their sympathies to go too far with the public against large bodies like railway companies, they would lay down a very dangerous principle. It was now open to any sufferer by a railway accident to proceed against the company, and the damages he obtained from them would afford him the means of paying his medical attendants. He (the Attorney General) thought the Bill was open to great objections, and he hoped it would not receive the assent of the House.

MR. J. L. RICARDO observed that the hon. Attorney General had said that there was great danger in legislating for exceptional cases. Now, in all other cases than that of a railway company, any Member of that House who thought any injury or hardship was inflicted would look for a remedy by the laws of the land; but if in his peregrinations he observed anything that did not exactly square with his ideas upon railways, he immediately said, "Oh, bring in a Bill to regulate these matters." He (Mr. Ricardo) was satisfied that no one belonging to the executive of a railway, from the director down to the porter, would be guilty of inhumanity in case of an acci-

dent, and if he were he would not be fit to hold his situation for a moment. But he maintained that the law as it now stood afforded every possible security for obtaining immediate medical relief. Under an Act called Lord Campbell's Act, railway companies might be mulcted of damages, which were sometimes of considerable amount, in case of the death of individuals by accidents on their lines; and there could be no doubt that a jury would readily give increased damages if it appeared that death had resulted from any neglect on the part of the railway company or their servants in obtaining medical aid. He considered, therefore, that the present law afforded sufficient protection to the public, and he challenged hon. Gentlemen to point out any case of neglect which had been proved against railway companies. In nine cases out of ten, accidents upon railways were attributable to the carelessness of the sufferers themselves, and he believed that not in one case out of ten had railway companies objected to pay the expenses of medical assistance.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 53; Noes 108: Majority 55.

Words added; Main Question, as amended, put, and agreed to.

Bill put off for six months.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 27, 1850.

MINUTES.] PUBLIC BILLS.—1^a Office of Under Sheriff (Ireland); Larceny Summary Jurisdiction.

2^a Pirates (Head Money) Repeal Act Commencement.

3^a Titles of Religious Congregations; Crime and Outrage Act (Ireland) Continuance; Pirates (Head Money) Repeal Act Commencement.

ABOLITION OF THE LORD LIEUTENANCY OF IRELAND.

The MARQUESS of LONDONDERRY said: Being charged with petitions of great importance against the abolition of the office of Lord Lieutenant of Ireland, I shall move, in the first place, that these petitions be read by the clerk at the table. [The petitions from the Lord Mayor, Al-

dermen, and Citizens of Dublin, and from the Dublin Traders Protection Society were read.] I am fully aware that I require more than an ordinary share of your Lordships' indulgence in humbly endeavouring to press upon your attention the subject of these petitions—a subject which I fear has already received its deathblow from Her Majesty's Government, and a subject to which many much more able individuals than myself are opposed, and which has already met the support of a large majority of the House of Commons, deciding for the abolition of the Viceroyalty of Ireland. Believe me, my Lords, I fully and strongly feel my own inadequacy to treat this important question as it merits; and after all that has been urged in another place, it would require more than common ingenuity, and more Atlantic ability than I possess, to add any new argument to all that has been advanced. But in embracing the duty of presenting these petitions, two strong motives have urged me on. First, I believe the petitioners found difficulty in finding an advocate, for I believe their petitions have been declined, as it is very unpopular to take up a losing cause; and, secondly, I own I have a strong personal feeling that the statesman whose name I bear, and who, by his great talent and abilities, mainly carried the legislative Union, should not by any possibility be supposed to have been guilty of any deception; but undoubtedly he and others held out to Ireland that, although Parliament would be removed, the Court would be retained at Dublin. I do not mean to argue that there was any positive stipulation; nor that it is not competent to the united Parliament, after fifty years, to pass what measures they think right. But I say a grave and absolute necessity should be proved, and made clear, before a wanton, cruel, and unnecessary loss should be inflicted on the capital of Ireland. And, lastly, my Lords, I fairly avow I am at heart and soul an humble Irish soldier, and I cannot bear to see my unfortunate country now despoiled, in her miseries and troubles, of any advantages which her capital ought to possess. I have anxiously examined and considered the reasons held out by the First Minister of the Crown in another place for the decision he has arrived at for the necessity of the abolition of this high office at the present unhappy moment. But I have in vain sought, in the development of his views, any grounds to balance the very great disadvantages

that will infallibly accrue to Ireland, and Dublin in particular, by the abolition of the office of Viceroy. The leading recommendations that are advanced, and which I will endeavour succinctly to reply to, are—1. That the abolition has been long considered necessary and expedient, and recommended to be adopted, by the opinions of some high authorities. 2. The advantages that would arise in the working of the machinery of the local and Executive Government by the annihilation of the present office of Lord Lieutenant, and appointing a fourth Secretary of State, which, it is stated, would get rid of the clashing of the discordant opinions that at present prevail between the Home Office, the Lord Lieutenant, and the Irish Secretary, and that, by the present great facilities of locomotive communication, all objects connected with a more perfect administration would be accomplished. 3. That the Lord Lieutenant's position at the Castle is only the semblance of Royalty; that the Viceroys are sometimes insulted; that the Castle is the focus of political party jobbing intrigues; and that all these inconveniences, and all these jobs and intrigues, would cease in the removal of all the Irish political business to Downing-street. 4. That Her Majesty would graciously go over occasionally to Ireland, and make up to the country and to the capital the loss of a resident Court, and greatly compensate for the withdrawal of all the outlay and money spent by the Viceroy and his Excellency's Court in the city of Dublin. These, my Lords, I believe, are the main reasons that are held out to Ireland and Dublin for the heavy and uncalled-for infliction she is about soon to sustain. I will endeavour to express my very humble opinion on these points successively. And, first, we are told that Lord Somers addressed the House of Lords at the time of the union with Scotland, and declared it could not be complete and endure while two political administrations existed—as if Ireland were a parallel case in any way with Scotland, when a boisterous channel separates the two countries, and other innumerable differences exist. We are then told, my Lords, that George III. gave an opinion to Mr. Addington that, although he thought it inexpedient at that time, yet the abolition of the Viceroyalty might be adopted at some future period. Now, against these venerable opinions may I not quote, my Lords, the opinions expressed by the present Prime

Minister and by a right hon. Baronet (Sir Robert Peel) in 1844; and may I not demand, in some degree, to know the cogent reasons that have induced the former to consider the present time fit, and more fit, for a measure which he then disapproved of; and why the latter seems to incline to try an experiment on this subject? Is it because the noble Lord, in 1844, did not venture, on account of his friend and ally (Mr. O'Connell), to urge the measure that, in 1850, when Ireland is prostrate, ruined, and humbled, he now dares to strike the blow? Surely, my Lords, he should give us some more substantive reasons for his deciding now on what he rejected before, than have as yet appeared. Would it not have been better, my Lords, to have given us some further opinions of viceroys, secretaries, or statesmen, as to the policy of the proceeding, than merely to give us the obsolete views of Lord Somers and George III.? We have been told, indeed, that Lord Clarendon and Lord Normanby, colleagues, and of course partisans, of the noble Premier's, entertain opinions in favour of the change; but I should like to have had some more impartial opinions—the sentiments of different Lord Lieutenants of Ireland, their secretaries, and of the noble and illustrious Duke (the Duke of Wellington) at the table, during whose government the question was often mooted. An attempt at the abolition of the office had been made by Mr. Hume on more than one occasion—I believe in 1822 and in 1830, and the last attempt was in 1844; and both Lord John Russell and Sir Robert Peel being against the proposition, Mr. Hume did not dare press it to a division. I cannot discover what has occurred since to alter declarations so positively pronounced only five years ago, when the noble Lord came to the conclusion it was inexpedient to abolish the Lord Lieutenancy; and Sir Robert Peel stated his fears it would create absenteeism, and be attended with numerous inconveniences. But, my Lords, a remarkable speech in that debate of 1844 was that made by a noble Lord, now a Member of your Lordships' House, who was Secretary of Ireland at the time, and which speech enumerates, more fully than anything I have seen, the difficulties of the case. The noble Lord (the Earl of St. Germans) said, that the appointment of a fourth Secretary of State had been suggested, but it had not been shown by what means the machinery of the Government

could be carried on. To confer those powers, and to reconstruct the existing machinery, would be a very difficult task; and if the office of Lord Lieutenant were abolished, it would be necessary to reconsider almost every Act relating to Ireland. Now, my Lords, with respect to the advantages that would arise in the working of the machinery of the Government, and by the appointment of a fourth Secretary of State, I will refer to what was said in 1844 by a great authority—by the right hon. Baronet the present Member for Tamworth—and I want to know what prospects are afforded that the change will be for the advantage of England or Ireland. Sir Robert Peel on that occasion said, that if another Secretary of State were appointed, it would create great confusion. Much is urged in the present state of the Government of Ireland with respect to the inconvenience of conflicting opinions between the authorities in Ireland and at home; but if the Home Secretary does his duty manfully and honestly, and if the Lord Lieutenant and Chief Secretary are entirely, as they ought to be, under his control, and if the Home Secretary has sufficient subordinates in his office, I think there must be a better *ensemble*, and more prompt and vigorous local executive authority than a fourth Secretary of State in Downing-street. There will be still a Lord Chancellor in Ireland, a Commander-in-Chief of the Forces, and a Radical Lord Mayor in Dublin. It is to me clear on this subject, that if there is discipline or order in any Administration, there ought to be no divisions or difficulties whatever for the Secretary of the Home Department. His word should be the law for Ireland, and no Lord Lieutenant should be appointed but subject to absolute control from England. It may have been necessary to have a Chief Secretary in the Cabinet; but it should only be to send, through him, direct orders to Ireland. We next come to the facility and means of locomotion between the two countries, established so perfectly now by means of steam and railway. I confess I cannot see the force of this argument; it tells equally advantageously for the transmission of orders from England to the Lord Lieutenant, but it does not provide for what you require in Ireland above all other countries—namely, an immediate execution and instantaneous legal and military power of action. You must legislate for all possible contingencies—for war as well as peace. Suppose our

Channel blockaded, and a landing and insurrection in Ireland; take away the Lord Lieutenant, and in whom, or how, is the great and immediate power, civil and military, which he now possesses, to be replaced or wielded? Then it is next urged that the Lord Lieutenants have the semblance and not the dignity of royalty, and that they are insulted, and that they are in an anomalous position. This may be true at times, but generally there is great good feeling shown by the inhabitants of Dublin to the viceregal position. It is said, that no consideration nor kind of politics can shield a Lord Lieutenant from insult. This, however, is laying upon the Lord Lieutenant's shoulders the feelings of the people of Ireland against the Minister of the day, and any head or authority placed in Ireland will be attacked and insulted in the same way. But it is said that all the jobbing of the Castle would cease by the abolition of the Lord Lieutenancy. I confess on this head I fear Irish jobbing would only be transferred to Downing-street, and the loaves and fishes would be more given to English Whig dependants and hangers-on than many of the meritorious of my own countrymen. I come now to an argument brought forward not in a very statesmanlike manner. It may have been thrown out as a gilded pill to soften the obnoxious dose, but the cajolery is unworthy of the occasion, and Irishmen are as sharp as the Premier. He must know that his measure is for futurity. If we were ever to be blessed with such visits as our beloved Queen might pay to the country, or ever to be blessed—I suppose to please the noble Lords opposite—I ought to say with a Lord John Russell holding out a Royal promise to visit, that would be worth something; but, supposing a future Sovereign detests the ocean, and a future Minister does not choose to recommend the Sovereign going to Ireland, what becomes of holding out this golden bait? It is mere cajolery. If the Parliament would pass an Act to oblige the Sovereign to hold Her Parliament triennially in Ireland, that would be understood; but the Queen's visits held out now as encouragement for the abolition of the Viceroyalty is perfect delusion. But, with what is justly called the new facilities of communication, let me tell you, my Lords, these passages to and fro are very different from a journey to Edinburgh. Surely, my Lords, this proves sufficiently that if Her Majesty's health, com-

fort, and convenience are to be consulted, frequent visits to Ireland, with a large family, will become quite impracticable. On the pamphlets or brochures that have been industriously circulated as to the vices of the Lord Lieutenancy, I wish to observe I have abstracted from one of them part of my resolution, arguing it in a direct contrary sense from the writer, who, however, amongst his false statements, lays down, that to oppose the abolition, an individual must either be an Orangeman or a Repealer. Now, I hardly think my worst enemy will accuse me of being either. But, my Lords, it is quite clear, if there is no Court as hitherto in Ireland, an occasional visit from the Sovereign would in no degree compensate for the abolition of the Lord Lieutenancy. Now, surely, my Lords, we are entitled at least to ask for a Select Committee of inquiry to examine into all these important points. We are indeed told the great authority of Lord Clarendon is favourable to this change; but your Lordships would think it advisable to have inquiry afoot, and I am sure I should like to examine Lord Clarendon on this subject. I confess also I should like to inquire and examine all the authorities that could be produced on the subject, and get all the evidence possible. It has been said the people of Ireland have not shown themselves strongly against the abolition. Why, my Lords, the people of Ireland are become apathetic. They, the mass, care for little more than food and raiment, and it must be owned, in Ireland districts and towns think no more of their immediate position than the capital. Cork looks to herself, and Belfast to herself, but the people of Dublin have surely shown their opinion in the great meeting held, and speeches made, at the Rotunda. And, after all, whatever may be the Radical sentiments of the corporate body, or any residing in Dublin, the population at large are loyal and deeply attached to their Sovereign, and if they had not been so at the late insurrection, and had allowed the troops to be assailed by barricades, or firing from the houses of the town, what might not have become of the garrison? Does Dublin deserve nothing, then, for her devotion and loyalty? Will it be denied, my Lords, by any one, that the abstraction of such a Court as Dublin Castle affords—describe it as you will—will be a cruel blow to the trade of the place, and to the existence of every inhabitant in it? Ought you, for one of

two hundred thousand pounds of saving of expense, to desolate at this moment one of your finest mercantile towns in Ireland? With the liberality which you have shown in all the late transactions with Ireland, I never can believe that the question of saving of expense is looked to in the present projected abolition. But, my Lords, the noble Lord at the head of the Government is fond of commissions. He has favoured us with one for the Universities. We are to have another with respect to the Lord Chancellor here. Surely he should give us one for Ireland; and, as experimental legislation is the order of the day, I hope he will experimentalise with his Cabinet, and obtain a new Foreign Secretary of State. I confess, my Lords, I was much struck the other evening with the speech of the noble and learned Lord (Lord Brougham) as regards the alterations in the Lord Chancellor's position in the Court of Chancery. The noble Lord urged strongly for a commission of inquiry, and implored your Lordships to consider well that the remedy you should apply was not worse than the evil you intended to remove. The noble Lord asked your Lordships not to adopt the cut and dried plan of the noble Lord at the head of affairs, without considering well that the remedy to be applied should be a fit and proper one. I would submit, my Lords, that the noble Lord's observations on this subject may be fairly applied by me as regards Ireland; and on behalf of that unhappy country I would ask you to grant a commission to take the evidence of all those who have been high in office—of the Secretaries and Viceroys of Ireland—on the subject. Compensation to Ireland is talked of. What does it mean? What is it to be? The noble Lord (Lord John Russell) told me that he intended to give Ireland compensation; but I have yet to learn what that compensation is; and on this point, my Lords, the Irish people entertain a natural anxiety. I trust I have made out a case for Ireland, and that it will meet with your Lordships' support. I conclude by begging of you to consider the petition which I have the honour to present from Dublin, a fine capital, with beautiful streets, magnificent shops, and ornamental buildings of every kind—a city, my Lords, of some consideration. My Lords, if this measure can be arrested, I may still hope to see her—

"Great, glorious, and free,
First flower of the earth, and first gem of the sea."

Let your Lordships beware that under English legislation, it does not speedily become a city of desolation, with the grass growing in its streets. The noble Marquess concluded by moving the following resolutions:—

"1st. That to abolish the Office of Lord Lieutenant of Ireland is contrary to the Expectations held out by the Statesmen who carried the Legislative Union between the Two Countries, and who declared that though her Parliament was removed Ireland should still retain her Court:

"2nd. That if ever a Period was inauspicious for any great Change in the accustomed Executive of Ireland, it is at a Time when Three Years of Famine have reduced her to the utmost Verge of Despair; when large Numbers of the resident Proprietors are ruined; when the Burthen of new Poor Laws is in Operation; when the forced Sales of Estates is carrying on; when a Rebellion has been only recently suppressed; when Agitations of Land Questions excite to Violence and illegal Proceedings; and when the great Controversy of Free Trade and Protection convulse the Agricultural Interests of the Country:

"3rd. That, considering Dublin is one of the handsomest Cities in Europe, and justly the Pride of all Irishmen, with a Population of 300,000, a Trade improving between 1833 and 1848 from 600 to 980,000, and a Navigation augmenting from 1843 to 1848 by 92,803 registered Tons; that it is the Head Quarters of a large Army, with Law Courts presided over by Twelve Judges, a High Court of Equity administered by a Lord Chancellor, a College of Heralds, an opulent University, and an Archbishop's See, and abounding itself in scientific, literary, and charitable Institutions; and considering that it differs from Edinburgh by being separated from the Imperial Metropolis by a boisterous Channel, while it possesses a Privy Council prepared to take all Steps which a public Exigency may require, it appears that Dublin is a Capital competent to give the Civil and Military Direction which a Crisis may require, a Crisis which, notwithstanding the increased Facilities of Communication, may demand instant and local Interposition, and which the Office of Lord Lieutenant, now existing for upwards of Half a Century, has hitherto been found able successfully to cope with and control."

LORD BROUGHAM said, that it was quite fitting that this subject should be brought under their consideration, but that it would have been better had it come before them in a tangible shape, as it shortly would do; for, as the noble Marquess was well aware, the office of Lord Lieutenant could not be abolished without a Bill. He should have agreed in many of the observations of the noble Marquess but for one thing, and that one thing was, the change recently effected in the patronage of the Lord Lieutenant. It was unfortunate that Parliament had clipped that patronage too close, for the residence of the Lord Lieutenant in Dublin, if endowed with due patronage, might be of use.

The MARQUESS of LANSDOWNE admitted the full right of the noble Marquess opposite to bring this subject forward. At the same time he must say, that he certainly did hope that the noble Marquess, having had an opportunity to state his views, would have thought it unnecessary to press his Resolutions on the House; for there had been a Bill on this subject for some time pending in the other House of Parliament—it was at present in an advanced stage—and there would be other opportunities for considering it before it came before their Lordships. There was nothing, therefore, to induce their Lordships to pass resolutions which would interpose as a bar to the future consideration of this subject. It appeared to him to be an anomaly to have in the dominions of the same Sovereign, at a less distance than 24 hours' communication, two separate Governments to which the authority of the Sovereign was delegated. Whether the fit period for concentrating that authority had now arrived, and by what machinery the old separated authority was to be replaced, was a matter well worthy of consideration. Whatever change might be effected in a matter of so much moment, that alteration should be most carefully considered by Her Majesty's Government. The noble Marquess, in the speech that he addressed to the House, had told them that the views which he entertained were sustained by the opinions of the statesmen who concurred in passing the measure of the Union, and who conducted the councils of this country at that period. So far from its being their opinion that the office of Lord Lieutenant should always be maintained in Ireland, they came to a contrary conclusion. Upon this subject he had occasion to refer to the records of the Home Office, and he found (Lord Hardwicke being then the Lord Lieutenant) that Lord Pelham, writing from London on the subject, expressed a decided opinion that the office should not be continued. That noble Lord, in writing on the subject, stated that the chief object of the Union was to identify both countries; that the appearance of division, as well as the reality, was to be avoided; and he further held that the earliest possible abolition of the office of Lord Lieutenant was absolutely necessary. Such were the opinions entertained by the statesmen of this country in the year 1801, and that, let it be remembered, was the first year after the Union. Whether the removal of the Lord Lieutenant from Ireland

would entail any further change, he could not then say; but Her Majesty's Government did not entertain any intention whatever of proposing any further changes. If, however, any such should become necessary, he undertook to assure their Lordships that they would be well and maturely considered before they were submitted to Parliament; still, he repeated, there was no such intention. He felt that he ought not now to go further into the question before the House, inasmuch as the whole question would very speedily be made the subject of a more regular discussion when the Bill upon this subject came before them, by which it was proposed to appoint some eminent person to a proper office, who would hold himself charged with the whole responsibility of Irish affairs, and being so charged, he would give the whole of his time and attention to the duties of that office. No doubt friendship and general good understanding subsisted between the Lord Lieutenant of Ireland and the Secretary of State for the Home Department; but, nevertheless, great evils arose to the public service from the divided nature of their authority, and he, for one, only consented to the abolition of the office of Lord Lieutenant on condition that there should be in this country some member of the Government responsible for the affairs of Ireland. He should now say no more than take the liberty of suggesting to the noble Marquess, that having made the statement which the House had heard, and which he had an undoubted right to make, he had better withdraw his resolution.

The DUKE of WELLINGTON said: My Lords, although this subject has already been adverted to in the other House of Parliament, yet I wish now briefly to draw your Lordships' attention to it. I quite concur with the noble Marquess opposite in the request which he has addressed to the noble Marquess near me, to withdraw the resolutions now before the House. The noble Lord near me has been heard fully on the subject, and, besides, there will be a future opportunity for further discussion as soon as the Bill comes regularly before your Lordships. But I do hope that the Queen's Government will consider well the whole of the subject, and inquire minutely into all the circumstances and details—that they will carefully look at the probable consequences of adopting such a measure as that now under consideration. If we look at the history of the last fifty years, and more especially at

the history of the last ten years, we shall find a continued series of military operations carried on at every period of that time. But then, let it be remembered that these military operations cannot be carried on under the British constitution except sanctioned by the authority of the civil power. The civil and military power, at almost every moment during the last ten years, have been in constant communication with each other; and I tell your Lordships that you could not have carried on any one of these operations without the superintending direction and assistance of the Lord Lieutenant. I will not trouble your Lordships with details, but I will advert to one or two circumstances which will show clearly to your Lordships what may be the consequences of putting down this great office of the Lord Lieutenant. Among the first operations I had to contemplate, after being appointed to the office which I have the honour to hold, were the measures necessary to be adopted to put an end to what were called by the individual who promoted them the "monster meetings" in Ireland. There were several important legal as well as political questions involved in the consideration of those measures. Upon every one of these it was essential to refer to my noble Friend Earl de Grey, then the Lord Lieutenant of Ireland; and it was also necessary that he should be in close communication with the military authorities. Those measures could not have been proceeded with, adopted, or carried into execution without the constant communication and conference of the two authorities—the civil and political authority—the Lord Lieutenant and the military officer commanding the troops; and it was likewise necessary that there should be communications with the Government in this country. I say, then, that no part of those proceedings could have been adopted if you had not had an officer in Ireland with the constitutional power and authority of the Lord Lieutenant. Since that time there has been a constant series of military operations in the course of being carried on. The persons who rendered those operations necessary adopted the usual course of modern revolutionists of publishing their designs, so that they were known to those who were to oppose them as well as to themselves; and, though those designs were not so formidable as others that have been seen, yet it was very necessary to attend to them—to oppose the barricading of the streets,

the interruption of the communications, and other proceedings, which, if they had succeeded, would have occasioned very great inconvenience, if not disastrous consequences. The requisite measures of precaution were necessarily to be discussed by the military authorities with the Lord Lieutenant and the civil authorities of the Government, no part of which could have been carried into execution without the knowledge, consideration, and full concurrence of the Lord Lieutenant. Withdraw the Lord Lieutenant from Ireland, and who become the chief civil authorities in different parts of the country? In Dublin, the chief civil authority would be the Lord Mayor. Now, I think that in less than three months after the adoption of the measure to put down the monster meetings in Ireland, I had the honour of attending Her Majesty at Court, and there I saw Mr. O'Connell, as Lord Mayor of Dublin, followed by some of his suite, presenting an address to Her Majesty on the throne. Now, will any one say that the military authorities would have ventured to concert any military operations with the then Lord Mayor, elected by the democratic corporation, created by a recent Act of Parliament? I will take another case. I had afterwards to provide against barricades in the streets of Dublin, to take measures for attacking them, if they should be formed, and to secure the free passage of the streets. For this purpose it was necessary to have confidential communications with the Secretary of State here, and with the Lord Lieutenant of Ireland. Could I have ventured to do so with the Lord Mayor of Dublin? Could I have written a line on the subject without ordering the Commander-in-Chief on the spot in Dublin to take care that the Lord Mayor and the gentlemen of the Dublin Corporation should know nothing about the matter? I will give you another instance. The Corporation Act passed some years ago enabled the corporations in the country parts of Ireland to elect their mayors, and some very nice mayors they have elected. It was necessary some time ago to carry on military operations in the neighbourhood of Kilkenny. Who was the elected mayor there at that time? Dr. Cane. And what became of Dr. Cane? Why, before the operations at Kilkenny were over, he was in prison under the provisions of the Act for the Suspension of the Habeas Corpus. And yet such was the gentleman with whom the general officer, carrying on his

operations with his troops, must have consulted in the absence of the Lord Lieutenant of Ireland! I agree with the noble Marquess, that if this measure for the withdrawal of the Lord Lieutenant be adopted, there must be a central authority in Ireland; but the Government are much mistaken if they think that any authority they can form, unless succeeding to the powers conferred by law, usage, prescription, and by the command and patents of the Sovereign appointing the Lord Lieutenant, will have the same power of carrying any of those operations to which I have referred into execution. The Secretary of State conveys the commands of the Sovereign; but the Lord Lieutenant commands himself. He has that power by law, by patents, by usages and prescriptions. An Under Secretary of State, resident in Dublin, would only command for the Secretary of State; and yet, in the consultation and determination upon the delicate operations to which I have alluded, this is one of the authorities to be substituted for the Lord Lieutenant. I entreat noble Lords opposite to consider well this proposition for abolishing the office of Lord Lieutenant, and let them reflect whether it would be expedient, with the view of saving some 20,000*l.* a year, or any paltry sum of that kind, to remove from a country in such a state of constant disturbance as Ireland is, has been, and possibly may continue for some time, the authority which is required to put down this state of disturbance by taking advantage of every favourable opportunity to secure tranquillity. I entreat noble Lords to consider well the difficulty of carrying on the Government under such circumstances.

EARL GREY thought it was the general understanding of their Lordships that the discussion on this important subject should be deferred until they had a practical measure brought regularly under their consideration. Although he entirely concurred in the propriety of this understanding, and meant strictly to adhere to it, still he thought that the observations which the noble Duke had just addressed to the House were entitled to so much weight, that he hoped to be permitted to say a few words in explanation of what were the views of Her Majesty's Government, rather than with any view to defend or argue the measure. He quite agreed with the noble Duke, that it would be unfitting if they were to view this important subject as a mere measure of economy, and that a

paltry saving of 20,000*l.* or 30,000*l.* a year, ought to influence the views of Parliament. He also entirely concurred with the noble Duke in his view of the privilege, in this country, of having the civil power acting in concert with the military power. There could be no doubt that the law and constitution of this country had rendered it necessary that there should be this concert between these two authorities, and that the military force should always be subordinate to the civil authority. Whilst he entirely agreed in that, it did not appear to him that the recognition of that necessity involved the condemnation of some measure of this kind, because he would point out to their Lordships that practically at this moment the capital of Ireland was nearer to the metropolis than Manchester had been some years since. Many years had not elapsed since there were serious disturbances in the manufacturing districts of England, and still more serious disturbances in Scotland; great alarm and anxiety prevailed, and communications between the chief civil and military authorities in London were transmitted with as much, if not more, delay than they would now reach the metropolis of Ireland; and their Lordships would recollect, that during recent disturbances in the north and in Scotland, no difficulty had been experienced in transmitting the necessary orders to the authorities at much greater distances. After all, the Lord Lieutenant only acted through the subordinate officers of his Government. The noble Duke had referred to the case of Kilkenny, and had mentioned that a person in the situation of authority as mayor, had been arrested under the provisions of the Act for the Suspension of the Habeas Corpus, and was for some time kept in custody under suspicion; but the Lord Lieutenant must give orders to various subordinate officers, and the only difference would be, that these orders would go direct from this country, instead of being from the Lord Lieutenant. The only difference that would arise from the removal of the Lord Lieutenant would be, that subordinate agents would receive instructions directly from the head of the Government at London, instead of Dublin. It did not appear to him that this change was necessarily liable to the objections stated by the noble Duke. It had been admitted by the noble Marquess and the noble Duke, that the manner in which the Lord Lieutenancy was to be abolished, the

arrangements which were to be adopted for executing the functions now confined to the Lord Lieutenant, required most careful consideration, and no one had more right to recognise that truth than Her Majesty's Government. As to the plan of having an Under Secretary of State resident in Ireland, or a fourth Chief Secretary of State, that was entirely a matter for further consideration. He fully admitted that, though there might be a general assent to the abolition of the office of Lord Lieutenant, yet the manner in which that was to be accomplished, should be a matter of deliberation and most careful consideration. It was not proposed that the supreme authority which now dwelt in the Crown should be abandoned; for, though it might be true that the Lord Lieutenant acted upon his own authority, still that authority was delegated to him by the Crown, and, in point of fact, the Lord Lieutenant of Ireland constantly received instructions and directions from the Secretary of State for the Home Department on behalf of the Crown. Whatever authority, therefore, was vested in the Lord Lieutenant might be easily reposed in other hands. It was a settled principle of the Bill, that no authority which now appertained to the Crown, in respect to the government of Ireland, ought to be abandoned, or that a different mode of directing the application of military force should be resorted to, than that which had within the memory of their Lordships been resorted to in various parts of this kingdom.

EARL FITZWILLIAM could scarcely vote for the resolutions, but must at the same time state that he did not think there would be very much time for the consideration of the Bill, inasmuch as, when it arrived before their Lordships, most of them would be engaged elsewhere. If what the Government wanted was, to fuse the authority in both countries into one, that measure would not be sufficient. It was not enough to say, in great changes of that kind, that there was no harm in it. The advocates of the change were bound to show its necessity, and he had not yet heard an argument to prove there would be any strong advantage in the mere abolition of the Lord Lieutenancy. A new Minister, living in Downing-street, never would be fit to govern Ireland. He never could acquire such accurate information as if he were on the spot, and would not be so good a judge of the actual state of the country:—

*"Sœniùs irritant animos demissa per aures,
Quàm quæ sunt oculis subjecta fidelibus."*

If Government intended to carry out a complete and effectual change, and to fuse the administrations of both countries effectually, they should do away with the separate law courts, and make the courts in Ireland branches of the courts in England, the Irish Judges going circuit in England, and the English Judges going circuit in Ireland. That was a length to which Government was not prepared to go; but he was convinced it was the best way of attaining their object, though it might not meet much favour on either side of the Channel.

LORD MONTEAGLE said, if the proposed measure tended to weaken the Government or the law in any part of the empire in which it was most important that the Government and the law should be strong, then he agreed with the noble Lords (Earl Fitzwilliam and the Duke of Wellington), that the Bill should not be entertained by their Lordships. But he put it seriously to their Lordships, whether the measure was one of that tendency. He wanted to have Ireland more distinctly represented in the government of this country than hitherto. In the legislation that had taken place with respect to Ireland, he saw a want of representation of that wisdom and that local knowledge which were embodied in the present and the late Lord Lieutenants of Ireland. If their Lordships contemplated the necessity of keeping up a small Castle establishment in Ireland, he took upon himself to say they would lose almost all the benefit which was expected from the proposed change, and they would continue in Ireland every possible inconvenience and objection which made the foundation of the proposed measure for Ireland. He asked their Lordships not to deliver the people of Ireland over to the government of a small unknown clique, which might be the Crown for the time being, or the Poor Law Commissioners, or any other body of gentlemen, who might constitute an unknown family, corresponding with Downing-street. What he wanted to know was, whether they would have a stronger Government in Ireland by the removal of the Lord Lieutenant, or a weaker one? He found upon the table of their Lordships' House a Bill, which stood for third reading that evening, entitled the "Crime and Outrage Act Continuance (Ireland) Bill." The Bill had something of an Irish title, for it would seem to be a

Bill for the continuance of crime and outrage in Ireland. Their Lordships would remember that, in 1847, when they were threatened with disturbances in Ireland, attention was called to the state of that country in the Speech from the Throne; and, in consequence of those threatened disturbances, an early Session of Parliament was called, and a Bill was introduced for the purpose of guarding against any disturbances that were likely to arise. It was, however, felt, when the measure came before Parliament, that its provisions were so stringent that it was permitted to be in operation for two years only. The Bill upon the table, and which stood for a third reading, proposed the continuance of the former Act for three or four years longer; and he found in every page of it that the immediate action of the Lord Lieutenant was required to carry it into operation. He did not object to the passing of the Bill, but, on the contrary, was of opinion that the Bill should not only be passed for four years, but that it ought to be made perpetual. But how, he would ask, was the Bill to act if the office of Lord Lieutenant was to be abolished? If they abolished the Lord Lieutenancy, he was at a loss to conceive how they could carry out the Bill. He would repeat again, that the issue which they had to decide was, whether the abolition of the office would strengthen the Executive Government of Ireland—whether it would tend to preserve increased order, and promote the enforcement of the law—whether it would give to the people of Ireland increased confidence in the Government, and a security that Irish interests would be made better known to, and would be more constantly forced upon, the Cabinet? He believed the abolition of the office of Lord Lieutenant would have a tendency to weaken the Executive, if care were not taken that it would not create an irresponsible system of government in that country.

The EARL of RODEN could assure the noble Marquess (the Marquess of Londonderry) that there was a large portion of the population of Ireland who believed with him that any measure which was proposed for the abolition of the Lord Lieutenancy should be a complete measure, uniting all the interests of the two countries; and if it would not have that tendency, then it should not be proposed at all. At present they were not in a position to offer any opinion upon the Government Bill which had been introduced in the other

House of Parliament; and he was sure it was not necessary for him to call the attention of the House and the country to the importance of the opinions which they had heard that night from the noble Duke (the Duke of Wellington); but he would ask whether there was not in that speech strong reasons for convincing Her Majesty's Government of the tremendous responsibility which they were incurring? He, for one, felt sensitively grateful to the noble Marquess who had opened the subject, and he believed it would be the means of obtaining a fair consideration of the Bill when it came before their Lordships. They all felt indebted to Lord Clarendon for what he had done during the late disturbances in Ireland; and when they had such an example before them, it was their duty to pause before they abolished the office of Lord Lieutenant.

The EARL of GLENGALL said, the question they had to consider was, whether the abolition of the office of Lord Lieutenant would weaken the power of the Government of Ireland? If the office was abolished, then the Lord Mayor of Dublin would be the first officer in that city. They were all, no doubt, aware that in July, 1803, an insurrection took place in the streets of Dublin, and that the Government knew nothing of the fact until it took place; and such might be the case again. In 1803 the Lord Mayor was a loyal man; but let them suppose the case altered, and there was no Lord Lieutenant there, and that the Lord Mayor had to deal with a state of things similar to that of 1848, and that that Lord Mayor was a repealer? In 1848 it was not of the respectable inhabitants that the Lord Lieutenant was afraid, for the Lord Lieutenant had desired the respectable inhabitants to go home and defend their houses, or if they remained in the streets they would have to fight. It was unnecessary for him to tell them that all the respectable inhabitants took the advice of the Lord Lieutenant, and went home; but what had the Lord Mayor done? Why, he swore in 2,500 special constables, all of whom were repealers, and all of whom would have joined the insurgents in the event of any success. It was the Lord Mayor, and not Smith O'Brien, they were afraid of. Now under such circumstances, what were they to do if they had no Lord Lieutenant? There were men in Ireland at the present time as determined upon separation as ever they were in the time of Smith O'Brien. The

Tenant Right Association was nothing more or less than a conspiracy to obtain what Mr. O'Connell called the fixity of tenure, or, in other words, who wanted to take possession of the land. He was perfectly satisfied that unless they had some authority in Dublin it was not safe to leave the country in such a state.

The MARQUESS of LONDONDERRY said, that as an humble Irish soldier who had always followed the opinions of the noble Duke, he would withdraw the resolutions, after the able and important speech which they had elicited from so high a quarter. He hoped that speech would have its proper effect in another place, and would not be lost on the head of Her Majesty's Government. If the Bill came before their Lordships with any indication of an attempt to force it with unnecessary haste, he would move for a commission of inquiry, in order that they might ascertain who were the authorities and what were the statements on which it was proposed to abolish the Lord Lieutenantcy.

Motion withdrawn.

ACCOMMODATION FOR FOREIGN MINISTERS.

The MARQUESS of LANSDOWNE, in moving the consideration of the Report of the Select Committee on the subject of accommodation to be afforded to Ambassadors and Foreign Ministers in their Lordships' House during debates, said, it would be unnecessary for him to repeat the observations which, regarding that subject, had been made upon a former occasion. It was recommended by the Committee, in their report, which he now moved should be considered, that the lower portions of the Peers' gallery—those nearest to the strangers' gallery—should be set apart for the reception of Foreign Ministers: this, he hoped, would afford them sufficient accommodation, and this to be the rule at present until it should be otherwise ordered by the House. It was his wish, and he doubted not it would be their Lordships' wish, to afford accommodation to strangers, to those Foreign Ministers, and to another description of strangers, whom on all accounts they desired to treat with peculiar courtesy; but, at the same time, he should move the addition of some words, in order that the arrangements should not be considered permanent, and reserving to themselves the power of regulating the proceedings of their own House, and of retaining such power in their hands as would make

any admission to it an act of grace and favour.

The DUKE of WELLINGTON said, he felt an anxious desire upon all occasions that the Foreign Ministers in that House should receive the most convenient accommodation; he supported the Motion, and it was with particular satisfaction he heard the sentiment expressed by the noble Marquess when he proposed that their Lordships should retain in their own hands the power of enforcing the standing order which provided that the regulations respecting order in their House should be under the immediate direction of their Lordships, and none other.

Report agreed to with an amendment, and ordered to be carried into effect.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 27, 1850.

MINUTES.] PUBLIC BILLS.—1st Pirates' Head Money Repeal Act Commencement; Sheriff of Westmoreland Appointment.
3^d Prussian Minister's Residence.

AFFAIRS OF GREECE—FOREIGN POLICY —ADJOURNED DEBATE (THIRD NIGHT).

SIR J. WALSH said, that one of the advantages of his addressing the House at so late a period of the discussion was, that he would be exempted from troubling them with a recapitulation of the facts of the case. They had been gone over with so much ability by others, and must be so completely fixed in the minds of hon. Gentlemen, that it would be quite unnecessary for him to refer to them except in the most incidental manner. Though he entirely disapproved of the foreign policy of the noble Lord the Foreign Secretary, and did not conceal that he dissented both from the arguments and the conclusions at which he had arrived the other night in his speech, yet he was ready to tender to him his sense of unbounded admiration of that speech, considered as an effort of Parliamentary and mental power. He had listened to his speech with close and untired attention, and he was anxious to offer to the House the result of some of those reflections that arose in his mind during its delivery. The noble Lord began by complaining that hon. Gentlemen on the Opposition side of the House coinciding in opinion with the noble Lord in another place, who moved the resolution condemnatory

of the policy of Her Majesty's Minister for Foreign Affairs, had not thought it their duty to propose a similar resolution in that House. The noble Lord considered that that should have been their course, and he censured them for not having done it. They certainly thought differently. They thought that two alternatives were presented for adoption by Her Majesty's Government. They considered, in the first place, that a great portion of the administration of the Government having been stamped by a vote of censure on the part of one branch of the Legislature, the Ministers would have felt it to be their duty to tender their resignation; or, secondly, they might have adopted the alternative which was pursued in 1833, and have met the resolution of the House of Lords by a counter-resolution of the House of Commons, emanating either directly from themselves, or from some of their known supporters and friends. But it would appear that in all human affairs, and particularly in political affairs, there were always three courses open to acceptance. The Government chose the third course, which no hon. Member on the Opposition side ever anticipated—Her Majesty's Ministers adopted the alternative of doing nothing at all. They rested upon their oars, and it was left to an hon. and learned Member who was far from being habitually a supporter of the Government, and who had frequently expressed his disapprobation of their foreign policy, to propose a vote of confidence in them. But that resolution did not meet the resolution of the House of Lords. It evaded many of the principal points which the resolution of the House of Lords raised. If the House should adopt the resolution of the hon. and learned Gentleman, it would not express any opinion upon one point which Her Majesty's Government had brought forward, and which both the hon. and learned Gentleman and the noble Lord the Foreign Secretary had pressed upon this House, namely, the degree and measure of obligation of the Government to afford protection to its subjects in foreign parts, without regard to the laws and tribunals of foreign countries. That most important question would, even though the resolution of the hon. and learned Gentleman should be adopted, remain entirely undetermined by the House. The noble Lord, however, entered at great length into that question. It was the first point to which he addressed himself,

and it was one of those subjects on which he was successful in eliciting the warmest and most enthusiastic cheers from Gentlemen who espoused his political opinions. The noble Lord pressed upon the consideration of the House the obligation and duty imposed on the Government to afford protection to British subjects in every nation of the world; and, as it appeared to him, they would constitute the British Government not merely a court of appeal, but a sort of court of *premiere instance*, totally setting aside the laws and tribunals of all foreign States. No doctrine could be more dangerous, or could more infallibly lead to collision with great States, or to aggressive movements on small ones. He would not advert to those exceptional cases which had been mentioned in the course of the debate, such as the law existing in China, or the law in operation in Charleston, where a British subject was liable to be apprehended and imprisoned on his entering that port. Such cases were entirely repugnant to the whole genius and spirit of the laws which regulated the communities of European nations. But it did not follow that, because there were those exceptional cases, the English Government were at liberty to set aside all the laws and tribunals of foreign States, when those laws and tribunals were in perfect harmony with the genius and spirit of the laws and institutions of all other civilised communities. By adopting such a course they would be violating the maxims of political and Christian morality. Did anybody suppose that if any State in the world were to come forward and demand of England that she should set aside her laws and tribunals, that she would submit to the dictation of such foreign Power? Then, it was equally unjust for England to attempt to trample upon the rights and privileges of other nations, however small and weak they might be. The noble Lord had favoured the House with a case exactly in point, and which entirely agreed with those pretensions which he would wish England to assume. The noble Lord said that a Roman held himself free from indignity when he could say, *Civis Romanus Sum*. It was true that the Roman citizen was free, but he was free in the midst of an enslaved world. The Roman was free, but his stride was the stride of a conqueror, and his foot was on the neck of all the subjugated nations of the earth. The Roman boasted of his single and solitary privileges; but it

was the Englishman's boast that he was the freest amongst the free. An Englishman felt that he had rights to support, but he also felt that there were rights belonging to others which he was bound to respect. When, therefore, the noble Lord advanced in this manner the privileges of England as against the small but independent States of the world, and assumed the character of a Roman citizen for Englishmen, he was arrogating for this country the position of being the arbitrary mistress of an enslaved world. The great policy of the noble Lord had been to establish constitutional governments in the various continental States of Europe. But what said the Earl of Minto with regard to Italy? It was the opinion of that nobleman that Italy was unfit for a representative government, and that any reforms effected in those States should be merely administrative reforms. No doubt, constitutional government was a great blessing, but in certain states of society it was totally inapplicable. With respect to the cases of outrage committed by the Greek Government on British subjects, after considering the acts set forth in the blue book with reference to the injuries done to the Ionians, he was of opinion that full regard had been paid to English subjects and English rights. But he could not help asking how it happened that, in the case of Stelio Sumachi, no reclamation was made on the Greek Government? If that case were well founded, it formed the strongest case demanding redress. No doubt he was tortured by the arbitrary application of force; and the noble Lord, according to the law of nations, and upon every ground, would have had the fullest right to press his case upon the Government of Greece. Then, the noble Lord was extremely eloquent upon the subject of the attack on the boat's crew of the *Fantome*, and dwelt with great animation on the insult offered to our national honour, and to the national flag. But what were the facts? It appeared that a son of the Vice-Consul had been dining on board, and was afterwards landed by a boat from the *Fantome* on an undefended part of the coast. Two persons landed, and were arrested and carried to the guardhouse, but, upon an explanation being given, they were immediately released with great civility by the authorities. There were two points he should like to have cleared up in reference to this case. First, were there any general regulations with regard to the landing from

boats from any ships on that part of the coast, and which this boat was at that moment transgressing; and, secondly, he should like to know whether there was any idea by the men when they made the arrest that the boat belonged to an English man-of-war at all? It appeared that the persons who landed were not in uniform, and there was nothing to denote that they belonged to a British ship of war. The Greek soldiers might, therefore, have been perfectly blameless in arresting them. They might only have acted in strict obedience to their orders. In that case the Greek Government could not have acceded to our demands for their punishment without being guilty of meanness and injustice. There was another portion of the explanation of the noble Lord upon this branch of the question which inspired him (Sir J. Walsh) with the most unfeigned astonishment. It was quite certain that no one could read the papers connected with this transaction without seeing that a very ill-feeling did exist between the Consul, Mr. Macdonald, on the one side, and the authorities at Patras on the other. But what might have been the antecedent circumstances that might have created that state of things? The noble Lord told them there was a robber named Merenditi, who appeared to have been one of those brigand chiefs they had read of in the romances of their childhood, and so powerful that the Greek force was too weak or too little willing to oppose him, and that he obtained complete possession of Patras; but the noble Lord went on to tell them that the English Consul became the agent of an unworthy compromise with this robber—that the Consul was deputed and accepted the engagement to enter into a treaty with this Merenditi—it did not appear from the explanation of the noble Lord whether the Governor of Patras was or was not a party to it, but that Merenditi made his terms and effected the escape of himself and the brigands who formed his band under the flag of a British man-of-war—that these felons and robbers, and probably murderers and assassins, found a sanctuary on the deck of a British ship-of-war; and when the noble Lord spoke of the honour of the British flag, and was so acutely sensitive on that point, he (Sir J. Walsh) was surprised the noble Lord should not have visited with his reprobation an act calculated so deeply to tarnish it. As to the case of the boatmen of Salamis, the noble Lord seemed to insinuate

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that perhaps, after all, the custom-house officers were not overpowered by force, but were accomplices of the brigands. If such were the case, and it were established, then the noble Lord would have had a very fair case for applying to the Greek Government for redress; but as it was only an insinuation very indirectly thrown out, he (Sir J. Walsh) was entitled to assume that no proof existed of the truth of such hypothesis, and that the case was altogether altered; and he might say that the Greek Government had very excellent grounds of reason and justice on their side for saying it was the duty of Governments to protect personal property, but neither in the case of their own subjects, nor in that of foreigners, was it the practice of Governments; nor was it international law they should indemnify persons for losses they had sustained from robbery and spoliation they could not prevent. If the contrary were the case, he did not see why the Secretary of the Foreign Office, or of the Home Office, or the Chancellor of the Exchequer, might not be altogether inundated by applications from foreigners who had been robbed. A Frenchman, an Italian, or a Greek might, as he was walking up Cheapside, have his pocket picked of a gold watch, and the next day call upon the noble Lord or one of the right hon. Gentlemen for compensation. As to the case of Mr. Finlay, the noble Lord said it was very true that an arbitration had been agreed upon between Mr. Finlay and the Greek Government; but the course the latter adopted was so full of chicane and evasion, taking advantage of certain provisions of the Greek law, that the appeal would have been wholly inoperative. It was not a question with the House of Commons what value might or might not be attached to the documents which were not first submitted to the House, but what he complained of was, they had a distinct bearing on this question. On the 24th of February those papers were first of all submitted to the House, that brought up a controversy about Mr. Finlay's claim. Subsequently letters which detailed the facts and circumstances of the arbitration were found—letters which were in the possession of the Foreign Office; and what he complained of was a *suppressio veri*—that the Ministers, being fully cognisant of the facts, the noble Lord having these important documents in his possession, withheld them from the knowledge of the House of Commons, and that not until

April, in consequence of circumstances adverted to by "our own correspondent" at Athens, did they find their tardy way to the table of the House of Commons. As to the much-vexed question of the claim of M. Pacifico, it had been already so much adverted to, that he should not trespass on the House by dwelling upon it at any length. All the other questions were of considerable importance, as involving points of international law and the principles of our relations with foreign countries, but the claim of M. Pacifico was the only one of importance, from its pecuniary amount; and, in fact, all the harsh proceedings, all the seizures of the Greek merchant vessels, all the interruption of the commerce of Greece, might be ascribed to that claim, and to that alone, for the seizure of any of the brigs of war, or whatever they were, would have amply satisfied all other claims. But it was that gigantic claim of M. Pacifico, so enormous in amount, and so objectionable in its nature, that was the foundation of the grave character these transactions had assumed. Now, when the noble Lord took upon himself to set aside a local treaty and to override the law of a particular State, he then put himself in the position of a judge in his own cause, and was bound to have satisfied himself, before preferring the charge, and founding upon it such a proceeding, of the justice of the claim in question. But, so far from doing so, it appeared from the blue books that the noble Lord, in the first instance, sending to Sir E. Lyons, said—

"Tell M. Pacifico to send in his bill, and ask from the Greek Government whatever he chooses to ask, and then leave the Greek Government to object to it, or not, as they please."

It appeared to him, that of all the claims in the blue books, the claim of M. Pacifico, upon the face of it, was the most monstrous and the most founded on imposition. He should be unwilling to revive discussion upon the dispute with France, which, as he supposed, was at an end; and he hoped that all the angry and jealous feelings which it had produced would soon die away; and if there was in this debate any one circumstance which he regretted more than another, it was, that the hon. and learned Member for Sheffield should have thought it necessary or consistent with his duty and with the interests of the peace of the world to have indulged in so violent a strain of sarcasm and invective against the head of the French Republic, for every

one who was acquainted with the President knew that he was most favourably disposed to the British public; and yet the hon. Member did not hesitate to hold him up as being influenced, in the course of these transactions, by the meanest and most personal motives, by the desire of propitiating a certain number of votes in the Assembly. With respect to Russia, he thought that those Gentlemen who entertained great jealousy of the encroachments of that Power, ought to condemn the policy of the noble Lord; for the consequences of it must lead, in an immense degree, to the advance of the moral influence of Russia. In these transactions she had appeared as the champion of freedom and the independence of small States—she had appeared as the protector of the weak, as the opponent of the principles of arbitrary power, as applied to international relations; whilst England, on the contrary, with her great power and maritime superiority, had appeared as enforcing questionable demands, by resorting to an arbitrary use of force, and, as he contended, a gross abuse of it. If, indeed, there were any part of the subject which might fairly be considered as one that might have been submitted to the arbitration of some friendly Power, and in which they might have endeavoured to carry out the principles of the hon. Member for the West Riding, it was precisely that part which related to the islands of Cérvi and Sapienza; for those islands could have no value except as a barren point of national honour. The noble Lord then proceeded from his Greek politics to follow the right hon. Baronet the Member for Ripon in his wide view of the noble Lord's continental policy. Now, it appeared there was directed against the political existence of the noble Lord the most formidable and incongruous combination that could possibly be. It existed from Lisbon to Archangel, including despotic Russia and republican France, and hon. Gentlemen on that (the Opposition) side of the House, who were generally supposed to be divided into two hostile camps. It might be that, even in that wide and general conspiracy, the hon. Gentlemen of the Manchester school of politics might be enlisted; and they had been assured by the hon. and gallant Member for Middlesex that even ladies formed part of the band of conspirators: he should have thought the noble Lord would at least have had amongst the ladies some in his favour. He thought the noble Lord

was liable to the charge of political propagandism, and that he was strongly imbued with the Jesuitical maxim, that the end justified the means. He would refer to a statement made by the noble Lord at his last election at Tiverton, which appeared to him to give the true character of the noble Lord's foreign policy. The noble Lord said, speaking of Mehemet Ali—

"Now, how was it we did drive him out of Syria? Merely by giving a few muskets to the people of the country; by sending a few hundred marines on shore to aid them, and saying, 'Go it, my boys; if you want to get rid of Mehemet Ali, here we are to back you; if you intend to act, now's your time.' They took us at our word; they kicked him out neck and crop, and his army too; they hailed us as their deliverers."

The noble Lord, however, only half acted up to his professions; he "gave a few muskets," he set popular commotions and revolutions going, but he did not always act as backer on these occasions. It generally happened that he left those whom he had stirred up against their Governments to their fate. The noble Lord appeared to entertain the erroneous idea that, in encouraging the expansion of what were called liberal principles, he was fostering something analogous to our glorious system of English liberty. It unfortunately happened, however, that the noble Lord's interference merely paved the way for Jacobinism and anarchy which eventually led to reaction, and the result of his vaunted policy was, that instead of promoting liberty it rivetted absolute government. This, too, was not an accidental, but the necessary, result of the noble Lord's policy, which was framed and prosecuted in total ignorance of the state of society and temper and habits of the people to which it was applied. The noble Lord endeavoured to excuse the Earl of Minto's proceedings in Italy, by representing that the object of the noble Earl's mission was merely to recommend administrative reforms. But what construction would an excitable people like the Italians put on the Earl of Minto's presence amongst them? They did not want an English Lord to go into details respecting the administration of their affairs. That was a subject on which a foreigner was incompetent to form an opinion. The instant it was known that the Earl of Minto, the colleague of the great patron of revolutionary proceedings, was in Italy, the Italians were convinced that he had come amongst them for the purpose of effecting changes more important than administrative reforms. The Earl of

Minto went through Italy, and disturbance followed in his train. At Rome the Earl of Minto put himself into communication with Cicerovaccchio, a sort of Roman Santerre. What followed? The assassination of Rossi, the expulsion of the Pope, and the establishment of the Red Republic, which during its short career was stained by crimes of the deepest turpitude. At the present moment the bayonet was substituted at Rome for all the fine theories of constitutional government; and this was the usual result of the noble Lord's interference. The noble Lord failed to justify himself from the condemnation passed upon his conduct relative to the affairs of Sicily. England must ever look back with pain to the course of policy pursued by the noble Lord with respect to the Neapolitan States. The King of Naples, it was said, invited the Earl of Minto to give him advice, upon administrative reforms, of course. It appeared from the statement made by the noble Lord the other night, that the Earl of Minto assisted at the King of Naples' Council in drawing up the conditions which were to be offered to the Sicilians, and of which he became the bearer. To some extent, therefore, the Earl of Minto was responsible for those conditions. At all events, he was bound in honour, as the agent of the King of Naples and the bearer of his conditions to his subjects, to use all his influence to cause them to be accepted. News, however, arrived of the French revolution, and the Earl of Minto withdrew from the negotiation. It now became apparent that the English Government was secretly intriguing to dispossess the King of Naples of Sicily, and to erect it into an independent kingdom. The noble Secretary for Foreign Affairs wrote two letters, one to Lord Napier, and the other to Mr. Abercromby. In the latter, the noble Lord said that if the Duke of Genoa would accept the crown of Sicily, England would immediately acknowledge him. To Lord Napier the noble Lord wrote to the same effect, adding, that if he (Lord Napier) should deem it advisable to communicate the matter to the Sicilian Assembly, he was at liberty to do so. Lord Napier acted on his instructions; and the intelligence, communicated to the Sicilian Assembly, had the effect of inducing it to determine on placing Sicily under the sovereignty of the Duke of Genoa. These transactions were utterly irreconcilable with that character for honesty and plain dealing which it had been

the pride of England to maintain. The noble Lord made a rather successful *ad captandum* appeal to his supporters in a passage of his speech in which he endeavoured to make it appear that he had nothing to do with the overthrow of M. Guizot's Administration and the throne of Louis Philippe. Nevertheless, it was generally supposed throughout Europe that the noble Lord had a great deal to do with keeping up the Jacobinical and revolutionary spirit which led to that overthrow. Every part of Europe was kept in a state of excitement by the noble Lord's policy. Intrigues were going on in one quarter, threats were employed in another, and a general sense of uneasiness prevailed on account of the noble Lord's "musket" and "go-it-my-boys" policy. The noble Lord was even denied the gratification of knowing that his mischievous policy had been attended with success. France had recently mortified and humiliated the noble Lord; and, unfortunately, the humiliation extended to his country. About a month ago General Lahitte read from the French tribune a despatch which was almost an insult to England. General Lahitte had since communicated to the French Chamber that England had retracted, and granted all that she had refused, that the treaty of London had been adopted, and good relations been restored between the countries. If this House by its vote identified itself with the policy of the noble Lord, a policy generally regarded as the personal policy of the noble Lord, the consequence would be that those feelings of animosity and irritation which were not confined to Courts and Governments, to Ministers, ex-Ministers, or expectant Ministers, but extended to that large portion of the population who were attached to the principles of order, would be kept alive—that not only the noble Lord, but England, would be regarded as the patron and champion of revolution throughout the world—and that at no distant period this country would find it had to encounter no longer the tacit, but the active, hostility of almost the whole civilised world.

SIR H. VERNEY: I feel satisfied that the apprehensions expressed by the hon. Baronet who has just sat down, will prove to be unfounded, and that under the policy pursued by the noble Lord at the head of the Foreign Department, England will not be considered the universal patron of revolution, but that every Englishman resident abroad will feel that over him the broad

shield of British protection is cast, so long as he does that which is right; and every foreign Government will feel that its proceedings are observed by a vigilant eye, which watches especially any attempt that may encroach on British independence, or interfere with the safety, honour, or happiness of our countrymen. Respecting the state of Greece, and the degree of protection that an Englishman might expect to obtain from the authorities in that kingdom—subjects to which the hon. Gentleman who has just spoken, and the noble Lord the Secretary for Foreign Affairs have adverted—I would request the attention of the House to some private communications addressed to me from that country, to the unexaggerated character of which I would pledge myself, and which represent the condition of Greece. My correspondent writes in February, 1844—

"I must not forget to answer your questions about the state of Greece. For the moment the tide of revolution has been stayed. How long, will depend on the progress of events in Europe. You are no doubt aware that the great object of the authors of the late revolution was to get quit of the King, and appoint a president, as in the time of Capo d'Istria. This scheme was defeated by the influence and exertions of General Church, when it was about to be carried into execution. But the writ remains, and with the majority of the nation the carrying it into execution is merely a question of time; the poor young king has no energy to break the turbulent spirit of the old chieftains and pallicars. Agriculture and commerce languish, the finances have hitherto been lavishly squandered and misused. It is hardly to be expected that the great Powers will advance a new loan; but if they will exert their powers to keep down revolt, and if Otho succeeds in forming a working Government out of constitutional elements, the country in time must take a start. It contains in itself all the materials for constituting a great and a powerful nation."

Writing in January, 1846, he says—

"Affairs in Greece are so bad that they can hardly be worse. It was discovered, about a fortnight ago, that the director of police, the right-hand man of Coletti, was the chief of a band of robbers. An immense quantity of plundered property, false keys and instruments for house-breaking, were discovered in his cellars. The whole country opposite to us is in the hands of banditti [this was written from the Ionian islands] which keeps us continually on the *qui vive*, as they occasionally attack and plunder the inhabitants of the small islands belonging to the Ionian States which lie near the Continent. Coletti has armed and taken into pay all the old pallicars, or guerrilla chiefs who subsist by plundering the political opponents of the Minister. When these are cleared out, they will help themselves wherever they can find booty. They will then come to blows among themselves, which will break up the coalition and the Ministry of Coletti at the same time. Meanwhile the country is thrown

back in civilisation half a century: unless England and her allies act in concert to deliver Greece from the clutches of her opponents, no stable or well-ordered Government will ever be established in the country. The good that might result from the liberty of the press is neutralised by its licentiousness. On the other hand, it must be allowed that schools are multiplying, the Scriptures freely circulated, and many good books printed and disseminated through the country. I enter so minutely into particulars, because I know you feel a great interest in the affairs of Greece."

In July, 1846, he writes—

"I do hope that the new Government (Lord John Russell's Administration) will interfere in some way to better the political condition of our obstinate neighbours of the kingdom of Greece. The whole country is in a state of indescribable anarchy. Misrule is at its height."

In February, 1847, he says—

"Your favourite kingdom of Greece is in a state fast verging to complete anarchy. The British authorities have been obliged to place the opposite coast in a state of blockade; and there has been some angry correspondence with Coletti on the subject of the outrages committed on the persons and property of Ionian subjects. The Government of unhappy Greece is in the hands of a set of unprincipled fellows, who think of nothing but how they may keep themselves in place and power. The energies and resources of the country are fast sinking."

Writing in October 20, 1848, he says—

"Greece, as a constitutional State, affords a striking instance of the truth of the old saying, *Non progredi est regredi*; nay, worse even, for from preying during so many years on her own vitals, she now attempts to prey on her neighbours, I mean her Government does. Some time before the death of the late Minister, Coletti, a secret association had been formed under his auspices for promoting and procuring the union under one sceptre of all the provinces in Europe anciently composing the Byzantine Empire. The Ionian islands, as a matter of course, fell within the scope of the Athenian's machinations. Their proceedings assumed all the characteristics of a conspiracy a tremendous oath bound (binds) the initiated to secrecy; and to a blind co-operation Cephalonia became the centre of the alternate operations. The existence of the conspiracy was rather suspected than known and recognised as a fact."

On January 16, 1850, he wrote—

"Lord Palmerston's is the only policy calculated to extend the power or sustain the greatness of England. There is no shuffling, no truckling, no trimming about it. I wish his Lordship would take your old friends, the Greeks, in hand. • • • While the Ottoman power stands, and Greece continues in her present unsettled unstable condition, the possession of the islands is of the greatest importance to us. • • • In the hands of the Greeks the Ionian islands would become an asylum for pirates and for all sorts of banditti, and the navigation of the Adriatic would be no longer secure; so I trust you will vote for retaining the islands at all hazards. I observe that the Ionians themselves, and their advocates in the English press, with the most impudent effrontery,

maintain that nothing has been done for them by the English. Do not listen to assertions of this sort. Everything has been done for them. * * * * When we got possession of the islands, thirty years since, they were in a worse state than were the Highlands of Scotland in 1715 or 1745. Without commerce, without roads, without any staple produce, the population half what it is at present, the people themselves serfs or banditti, their religion, now dominant, almost proscribed by their Venetian tyrants."

My last letter, Sir, reached me this very morning. It is dated June 12. My correspondent speaks of the blockade of the Greek coast and harbours. He says—

"Never was chastisement more justly merited. For the last ten years, the Greek Government has been systematically endeavouring to mine our power and influence in the Levant. This fact does not seem to be known or understood in England, where a factious and venal press has unchained all its fury against measures necessary for the maintenance of the honour and best interests of the country. Depend on it we are only at the beginning of the fray. Whether encouraged by other Powers or not, the Greeks are acting on an organised plan, which embraces both the political and ecclesiastical emancipation and aggrandisement of the race. Constantinople, is, of course, their first aim; but the possession of the patriarchates of Jerusalem and Alexandria forms an essential part of their *μεγάλη δια*, as they term it. * * * * They have contrived, no matter by what means, to make our rule over a limited population of 200,000 appear tyrannical, while we have in fact loaded them with benefits. * * * * The political horizon looks black all around; the tide of battle will roll towards the East; the mighty designs of Providence are fast approaching—it is consolatory to think that the interests of our empire are unmistakably entwined with those great purposes; so let the struggle commence when it will, God is with us and victory."

The extracts I have read to you, Sir, contain descriptions of the condition of the country, which I am confident are not exaggerated. And the noble Lord has told you what representations were reiterated during so many years, and communications made in vain to the Government of Greece. Is it for us now at length to abstain from resorting to those measures which it is manifest can alone effect redress for British subjects. The position of matters in Greece has been truly characterised by the noble Lord, who in another place proposed a resolution adverse to the policy of Her Majesty's Government; and by the right hon. Member for Ripon, when they described that kingdom as having been constantly the scene of intrigue, and pointed to its demoralised condition as allowing other countries more powerful than itself to attack the interests of Great Britain. With reference to the "good offices" of France, those who studied carefully the despatches of the

French agent in Greece, would see that those "good offices" were not fairly carried out. Baron Gros prides himself on having reduced the pretensions of England. He appears rather desirous of affording to the Government of France a triumph, than of accomplishing the object for which he was appointed. It is but just, however, to say, that such was not the case with the French Ambassador in this country. It has been charged against our Government, that while this country has endeavoured to take advantage of a weak Power, we have truckled to a strong one; but an attentive perusal of the despatches will show how unfounded is such a charge. The firmness exhibited in the communications made by Lord Bloomfield to Count Nesselrode, and by Lord Palmerston to Baron Brunow, have been such as befit the position of this country. They are marked by that plain manly simplicity that ought ever to characterise British diplomacy. Should the foreign policy of the present Government be set aside, it ought to be recollected into whose hands diplomatic affairs are likely to fall. Those who have been in the habit of watching the conduct of the different Foreign Ministers of this country, must have observed, that notwithstanding the many high and honourable and respectable qualities of the Earl of Aberdeen, some of his transactions in diplomacy have been attended with very unfortunate results. Will any hon. Member say, that our interference in Rio de la Plata has been anything but mischievous? Has it not materially affected the influence of this country in South America. Is it not true, that in consequence of the detention at Monte Video of some of Her Majesty's troops, a protracted war has been carried on in one of our colonies, which might have been checked in the very commencement if they had not been so detained. Sir, I rejoice in the boldness and generality of the Motion now before the House. It is not fitting that any man should be at the head of foreign affairs in this country who is not very cordially supported by the feeling of the House. Without the confidence of this House, a Foreign Minister cannot maintain the honour or promote the interests of this country, or afford to Englishmen residing abroad that protection to which they are entitled. I believe the speech of the noble Lord at the head of the Foreign Department will be attended with one great result; not only will every Englishman abroad

feel that the protection of this country extended to him, but every one connected with foreign States and with commerce, and interested in transactions abroad, will feel that this country must not at this time be exposed to the danger of losing the services of a Minister so eminently qualified to attend to her interests. Far from thinking that the course followed by the noble Lord had led to revolution, or that the noble Lord had fomented disturbances, I believe that the opposite was the case. The noble Lord had so little favour for republicanism, that in Sicily he preferred having a king to a republic. The House was called upon to affirm two great principles—that this country would not allow of dictation on the part of other Powers in the nomination of her Ministers, and that she would afford protection to subjects residing abroad. The expression of the noble Lord at the head of the Government that the Secretary for Foreign Affairs was not the Minister of France, of Austria, or of Russia, but the Minister of England, embodied in a few words the character which ought to distinguish a British Foreign Minister. I feel that so long as by the blessing of Providence the health and life of the noble Lord are preserved, the interest and welfare of this country will be fearlessly and without compromise sustained.

SIR R. H. INGLIS said, the question at issue was not that which had been lately decided in another assembly. It was not, here, at least, a question relating to Greece only. If, indeed, the proposition of the hon. and learned Member for Youghal had not been withdrawn, he could have better understood how certain speeches, occupying each about two hours' duration, had found a proper place. On the other hand, the hon. Member for Montrose, whose voracious appetite was so great as to swallow the entire animal, brought forward a proposition in which he digested the whole policy of the noble Lord, domestic as well as foreign. That proposition, too, was subsequently withdrawn, though the hon. Member was now, at all events, prepared to go the whole length of adopting the whole policy of the Government. The question at issue, however, was as to the foreign policy of the Government, and that only. If, indeed, it had been limited, as the hon. and learned Member for Youghal desired at one time to limit it, to the policy adopted by the noble Lord towards Greece, he (Sir R. H. Inglis) should have felt more difficulty in deciding upon his own

vote. But we are now called upon, gratuitously, without the question being provoked by any other individual, to give the hon. and learned Member for Sheffield our confidence, in the first instance, while he carries forward a vote of confidence to the Government upon every part of their foreign policy. He (Sir R. H. Inglis) was not prepared to go that length with the hon. and learned Member for Sheffield. That confidence he might possibly have given in its limited application to Greece; but he could not extend it to the whole course of foreign policy pursued by the noble Lord. But, independently of that, there was another consideration which decided his vote upon the present occasion; and that was the terms on which the noble Lord at the head of the Government had been daring enough to rest the issue of this question. The noble Lord had told us that he did not intend to alter his course in consequence of any resolution in the Upper House of Parliament. But he went further than that; for he said that the privilege of controlling and advising the Government of the country rested with this, the Lower House of Parliament. While commenting upon this observation of the noble Lord, he remembered that in the important measure recently passed by the Government, granting a constitution to one of our greatest colonies, the principle of one chamber only was preferred. He was thinking, after such a statement as that he had referred to as being made by the First Minister of the Crown, that if it were a subject dependent upon the decision of the present Ministers, that they would not be disposed to declare themselves decidedly in favour of a double chamber in this their own country; because if the Upper House of Parliament be not entitled, upon such a subject as Greece, to give any opinion, he hardly knew upon what subject they would be entitled, according to the judgment of the noble Lord, to exercise any discretion whatever. If, indeed, noble Lords in the Upper House had interfered in respect to a Money Bill, we of course would be justified in interposing our high prerogative and constitutional privilege to such interference. But, upon a question of foreign policy, he could not but feel that the noble Members of the other House were entitled to exercise their functions equally as well as the House of Commons in a discussion upon the subject. But the noble Lord said, that if, in obedience to a majority of

the House of Lords, the Government were to change their policy, that change would not be unaccompanied by great evils to the whole country; and, he emphatically added, to none would such a change be more injurious than to the noble Lords themselves. He (Sir R. H. Inglis) could not admire the discretion thus manifested by one who wields the power and influence of the Crown and a majority of this House, in direct opposition to the corresponding powers of the other branch of the Legislature. And how far those three Powers could act together in harmonious co-operation, while one branch of the Legislature was stigmatised in such a way by the First Minister of the Crown, he could not venture to state. But besides this collateral objection to the Motion, he had a direct objection to it. There were considerations distinctly connected with the foreign policy of the country which would justify him from withholding his confidence in the noble Lord on this occasion. In the earlier days of the Session—he believed it was in the very first week of it—he had asked the noble Lord the Secretary for Foreign Affairs a question on which struck him as being very important, but which the noble Lord had successfully evaded answering—namely, whether the operations carried on in the Bay of Salamis had or had not been communicated to the councils of the other Powers who were the co-guarantees with England in respect to the independence of Greece? The noble Lord answered every other point; but that one question, which, by the by, was also put to him by the hon. and learned Member for Sheffield (now the chief supporter of the Government), was utterly unnoticed by the noble Lord. But it now turns out that no such communications to these other Powers had been made; and the result might have been first a war with Russia, then with France, and perhaps a general European war. Then with respect to the two islands adjoining Greece. That, at least, was a question, whatever might be said of the claims of individual creditors, not exclusively British. It was a question in which three Powers had an equal interest. Yet in that it did not appear that any communications had been made, nor had any concurrent act been performed with the two other Powers. Again, the general policy of the noble Lord in respect to propagandists of political principles he could never support. He would ask the noble Lord if he had not first encouraged and afterwards discouraged the advocates of

what were called liberal principles? But the noble Lord, while giving his moral support to those holding such principles in Sardinia and other places, had not extended the same protection to what he (Sir R. H. Inglis) regarded as certainly far more important—he alluded to the maintenance of the religious interests of Christian truth. In no one case, as well as he recollected, had the noble Lord made the profession of Christian faith, as maintained by Protestants, a portion of his duty in respect to any foreign Power. In the latest of his treaties with one of the New South American States, there was no provision for the free exercise of the Protestant religion. He knew that it had been left to the United States to contend successfully for the establishment of Christian worship in their intercourse with China. In respect to Sardinia and Tuscany, no such protection had been extended by the noble Lord. He apprehended that under the existing constitution of Tuscany every native Tuscan might at this moment become a Protestant; yet an English subject had been lately expelled from Tuscany on the ground that his opinions indicated “a tendency to proselytism.” Supposing even that he had been successful in his endeavours to proselytise, yet the victims, as some persons might call them, of his exertions, would not have been disabled from holding any office civil or political. Yet, when he (Sir R. H. Inglis) found that such an individual had been expelled from the dominions of the Grand Duke, he would not say without remonstrance from our representative in Tuscany, but certainly without any support of such remonstrance from our Foreign Secretary, he could not think that the best interests of this country had been in this respect maintained. In Sardinia, nothing could justify the conduct of the noble Lord with respect to the late King of Sardinia. But the noble Lord said, we should recollect that the late King of Sardinia, after all, was nothing more than a man. This, of course, is a defence or palliation which he shares with every other offender. And when the King of Sardinia marched at the head of an army into Lombardy, instead of his being merely told that there was some danger that he himself would be defeated, a great deal more ought to have been said to him, in order to deter him from the unprovoked invasion of the territories of a Sovereign allied to him alike by blood and by treaty. There was, however, one circumstance in the foreign affairs of this country, and in the policy

which guided them under the conduct of the noble Lord, upon which he could dwell with satisfaction—namely, that the noble Lord had never raised the hopes of Poland—that, shame, for shame it was, rested upon another Power, which having encouraged a gallant people to claim from a great empire the fulfilment of a solemn engagement to restore its independence, then abandoned and betrayed them at the moment when their support might have saved them. Although that negative merit belonged to the noble Lord, yet he, for one, could not admire the promulgation of those principles which the noble Lord made his pride and his glory. He stated no more of the noble Lord than the noble Lord stated of himself when he contended that it was the duty of England to propagate liberal principles. He had seen, as every one must have seen, as they went down from Charing-cross, the name of the noble Lord identified with “liberal principles;” and the names of the right hon. Baronet the Member for Ripon, and the hon. Gentleman the Member for Buckinghamshire, placarded as connected with “despotism.” The noble Lord the Prime Minister had but given utterance to that which was a clap-trap when he talked of the noble Lord as not being the Minister of Austria, or Russia, or Prussia, but the Minister of England. If the phrase meant anything it meant this, that it was necessary to sustain the noble Lord, because he, wherever he had influence, would be found to maintain what were called “liberal principles;” and that the House and the country should uphold Her Majesty’s Ministers in their crusade in favour of liberal principles. He did not intend on this occasion to make one of those two hours’ speeches of which they had had too many in that debate; but still he could not conclude, without adding a few words in reference to one part of the noble Lord’s conduct, without referring with feelings of deep gratitude to the constant zeal and spirit which he had manifested in one most important point of foreign policy—he could not forget the efforts made by the noble Lord to abolish the slave trade, and to relieve the name of England from the disgrace of that foul blot. He felt that the noble Lord had always performed this portion of his duties cheerfully and effectively; but he at the same time could not be forgetful that the noble Lord formed part of an Administration which, whilst it destroyed the slave trade with one hand, endeavoured to build it up with another. He

could not but feel that the slave system was encouraged when they encouraged the use of slave-grown sugar. This consideration alone, if there were none other, would withhold his support to a vote of unqualified praise upon the policy of the noble Lord. It would not be becoming in him to say anything of the unrivalled speech which had been made by the noble Lord—unexampled as he believed it to be in Parliamentary talent and power. He ventured so to speak of it, for, as he had heard it, in the midst of all its eloquence and all its self-defence, there was not to be found in it a single instance of personal bitterness or acrimony. It was, therefore, with much pain to himself, but with deep conviction that he was right, and still entertaining the opinion which he did of the great efforts of the noble Lord for the extinction of the slave trade, that still he must abstain from giving his assent to the proposition contained in the resolution of the hon. and learned Member for Sheffield, which gave unqualified support to the whole foreign policy of the Government.

The MARQUESS of GRANBY: Sir, the hon. and learned Member for Sheffield has stated it to be his wish to arrive at the opinion of this House on the point which had been decided in another place; but if that had been the object of the hon. and learned Gentleman, it would surely have been a plainer and more practical mode of doing so if he had confined his speech to the same ground and basis as that on which the question in that other place had been argued and disposed of. But he has thought fit to enlarge the area of the Motion submitted for our discussion. I do not, however, think that we have any reason to regret that he has taken that course, especially since the speech of the right hon. Baronet the Member for Ripon, for which I am glad to find we are indebted to the extended Motion brought before us by the hon. and learned Member. The noble Lord the Secretary of State for Foreign Affairs has not failed to take advantage of the opening made him to travel over the continent of Europe. It is not, however, my intention to follow the noble Lord in his unrivalled speech of the night before last; but I may be permitted to say that I think the reigning principle in the noble Lord’s speech, over whatever country he travelled in its course, was this—that the object of Her Majesty’s Government was the support of propagandism all over the world. It is, Sir, because I be-

lieve that restless interference with the internal affairs of other countries to be injurious to those countries as well as to this, that I am wholly opposed to the principles enunciated in the speech of the noble Lord. I find that principle asserted with regard to the affairs of Portugal. The noble Lord said that the Government interfered there, and, with force of arms, expelled one aspirant to the Portuguese throne, and set up another. What I want to know, then, is this—if such is to be the principle that is to govern the foreign affairs of this country, and if the object be to force what may be considered constitutional government on other countries, what I want to know is, where is all this to stop? I wish to know whether, if such a principle is to be the rule, why America, or France, or Russia, have not each the same right to say that they think, in the one the republican, and in the other the absolute, form of government is the right one, and that they will therefore, by force of arms, impose it upon other countries? It was this same principle, too, that governed the Earl of Minto in his roving commission to the States of Italy. There has been no answer in the noble Lord's able speech to the question that was put by my hon. Friend the Member for Bridport, who asked, the other evening, whether the Earl of Minto had not addressed a mob from a window in Rome with a republican cry. But the Earl of Minto, having sown the seeds of that revolution that occurred in Rome, proceeded on to Naples. An insurrection had already broken out in Sicily. The hon. Member for Bridport charged the noble Lord with having endeavoured to induce the Sicilians to elect the Duke of Genoa as their King; and the noble Lord the Foreign Secretary, in reference to that charge, said that Lord Napier felt confident that the King of Naples had no chance whatever of recovering Sicily, and that the King himself had given up all idea of reconquering his rebellious subjects. I believe that the King had never entertained such an idea; but if he did, it would be owing to the presence of the English fleet in the Bay of Palermo, the admiral of which had threatened to fire upon the ships of the King of Naples if they ventured to bombard the town. While on this subject, the noble Lord said that "the offer of the throne of Sicily had never been accepted"—he did not say it had ever been made—"and that, in consequence of difficulties having arisen, the whole proposal led to no result." It led

to no result undoubtedly, but that does not make the conduct of the Government the less objectionable. It is not so much the immediate result of the noble Lord's policy of which we complain, as the unsettling of the institutions of every State in Europe, and making every Government in Europe feel suspicion, distrust, and jealousy of England. With regard to the despatch supposed to have been suppressed, which Prince Metternich wrote with regard to the interference of Austria in Italy, the noble Lord did not deny the fact, because it was impossible to do so, but said he had reason to believe Prince Metternich was not sincere. On what grounds did the noble Lord make such an assertion? It is easy to give that as a reason for not laying that despatch on the table of the House; but whom will it satisfy? The noble Lord added that Count Colloredo had remained perfectly silent, and showed no discontent at the suppression of the despatch; but is that any sufficient reason to excuse the noble Lord for not giving to the House important information on a subject of vital importance? I now come to that subject which I conceive to be of the greatest importance to all—I allude to Greece, in respect to which the wounds which have been inflicted on the honour of this country are yet open and bleeding. I do not intend to weary the House by going over the details of the paltry and insignificant claims upon which the demands of our Government upon Greece were raised; but if any further argument beyond those already adduced by previous speakers were necessary to show the paltriness, the insignificance, and exaggeration of those demands, I would bring into court the evidence of Mr. Wyse himself, who, in a despatch written on the 20th of May, states that Baron Gros had described these claims as being "*la risée de tout le monde*." Could anything be more unfortunate than the position of this Frenchman, keenly alive to a sense of the ridiculous as he seems to have been, on his arrival at Athens to enforce demands which he felt were the subject of the ridicule and laughter of the whole world? Supposing, however, these claims admissible, there is the further question, whether they were pressed forward in a fair and impartial manner. The two claims of which we have heard the most, are those of Mr. Finlay and M. Pacifico. With regard to the latter, it does not appear to me to have been submitted to the judicial tribunals of the country. The noble Lord said, in respect

to the outrage committed upon M. Pacifico's house, that the mob were aided by the son of the Minister of War, a young man of 18 or 20, and that the injury was greatly aggravated by this circumstance. The House will be surprised to hear that the only son of the Minister of War at that time in Athens was a boy of 12 years old. And be it remembered that M. Pacifico swore before the magistrates that he could not identify one of those who gutted the house; and having sworn this oath, he contradicted himself afterwards, and said he saw the son of the Minister there. Great stress has been laid upon the claims of M. Pacifico upon the Portuguese Government; and the noble Lord said that the documents on which those claims were founded were destroyed. On the contrary, I am given to understand, on authority which cannot be doubted, that no documents were destroyed whatever, but simply a memorial written by M. Pacifico himself, and some copies, the originals being then, as they are now, deposited in the public archives of Athens. M. Pacifico, therefore, had not the shadow of a right to transfer his claims upon the Portuguese Government—which, by the way, that Government repudiated altogether—to the Greek Government. This is an important point, because it was upon this that those disagreements arose between Mr. Wyse and Baron Gros which led to all the divisions, the heats, and the animosities that had arisen between England and France. With regard to Mr. Finlay's claim, the noble Lord had entered into a long explanation, in the course of which he said that the arbitration had fallen to the ground previously to the 17th of June, when the twenty-four hours' notice was given. The fact is, on the contrary, that the arbitration was not finished at that time, nor until the day after; and, therefore, if the arbitrators had chosen to settle those claims the next day, they were perfectly competent to do so. But the noble Lord said that there were certain documents which the arbitrators had not yet had, and which the Greek Government refused to let them have, and that that was the reason they came to that decision. As in England, so at Athens, the plaintiff must take the first step; but the arbitrator of Mr. Finlay did not take that step, and, in fact, never appeared at all, and that was the true reason no arbitration was made. In one of his despatches, Mr. Wyse revealed the secret of this, when he said

that Mr. Finlay himself had begged Mr. Wyse not to urge on the Government to settle his claim by arbitration. On the 13th of November, the French Government offered to mediate. The noble Lord found it impossible to refuse the offer; but did he accept it in that frank and cordial manner which was to have been expected? No, Sir, he said that if he accepted their mediation it should only be under the term of good offices, and he would not allow those good offices to infringe one jot upon the demands he had made, neither would he allow them to alter the amount. What it was Baron Gros was to settle, under those limitations, I am at a loss to conceive. It was an insult to the French nation to accept their mediation, and, at the same time, to insist upon such limitations. On the 9th of April the French Government proposed that the affair should be settled in London, and a sort of an agreement was come to. This new arrangement was to be forwarded to Athens; and a despatch of the noble Lord the Foreign Secretary to the Marquess of Normanby is of considerable importance in acquiring a perfect understanding of this question. His Lordship first says—

"Moreover, on the 9th of April, it was agreed between us that Baron Gros, the French negotiator, should make to Mr. Wyse any reasonable proposition in regard to those matters which admitted of discussion; Mr. Wyse should not at once reject it, even if he did not himself think it entirely acceptable, but that he should send it home for decision, maintaining in the meanwhile the *status quo* as to the suspension of the action of the fleet and the detention of the Greek vessels."

A little further on I find the following paragraph:—

"As we had thus agreed upon a course which afforded a fair prospect of bringing the negotiations at Athens to a prompt termination by a convention to be sent out from hence, it obviously became necessary to write to Mr. Wyse to desire him to refer home for instructions as to any proposition which might be made to him by the Greek Government or by Baron Gros."

This exhibits a strange inconsistency as compared with the reasons given the other evening why he did not return instructions to Mr. Wyse; and, indeed, the two passages are inconsistent with each other. It is, however, obvious that neither in Athens nor in London was the French Government allowed to exercise that mediation and that authority to which it was so justly entitled. If these circumstances be doubtful, obscure, and uncertain, it will be admitted as clear and intelligible, that the moment the bases of the convention in

London were signed, it was the imperative duty of the noble Lord to send information at once to Athens of the fact of that convention having been agreed to. The bases of that convention were signed on the 16th of April; but it was not until the 19th that the noble Lord wrote to Mr. Wyse. The noble Lord says that there was no steamer about to start, and that, therefore, he was obliged to wait. When the noble Lord was about to enforce these claims within twenty-four hours on the unfortunate Athenians, by blockading their port and by making reprisals, he had no difficulty in finding a whole fleet to despatch to the Bay of Salamis; but when the question is settled here by the mediation of the French Government, and when a message of peace is about to be sent—when the object is to do away with all the differences that had occurred—then the noble Lord could not find along the whole of the coast of England a single steamer to convey the gratifying and joyful intelligence to Athens. The House, I am sure, must have heard with regret the statement of the Prime Minister a few nights ago, that his noble Colleague was the Minister of England, and not the Minister of Austria and Russia. If that meant anything, it indicated that the interests of Russia and Austria were antagonistic to the interests of England. I hope that this is not the case. I can fancy nothing more dangerous to the peace of Europe than the suspicion of that antagonism. I am no friend to the cosmopolitan extravagances of the present day; but I think that there is a broad distinction between that policy which knows no fear, but, at the same time, is slow to incur the risk of war, and that system which is ever inculcating experiments with constitutions, and interfering in the internal affairs of every other nation. The hon. and learned Member for Sheffield wishes the House to consent to a resolution which declares—

“That the principles on which the foreign policy of Her Majesty's Government has been regulated have been such as were calculated to maintain the honour and dignity of this country; and in times of unexampled difficulty, to preserve peace between England and the various nations of the world.”

Some hon. Gentlemen were very indignant the other day when my hon. Friend the Member for Buckinghamshire spoke of the “machinery of Government” being at the service of the hon. and learned Member; but I think there is abundant evidence of some connexion between them, otherwise

the hon. and learned Member would never have had the temerity to ask the House to come to such a resolution as this. The policy of the Government, so far from being of such a character as to preserve peace between England and the various nations of the world, has been just the reverse. Is the fact so, or is it not? Has not Russia repeatedly had to send notes of remonstrance to our Government? Is it not a fact that, during the reign of the noble Lord at the Foreign Office, we have been for long periods without an Ambassador in France, in Austria, and in Spain? Is it not a fact that the Marquess of Normanby not long ago wrote a despatch, complaining of the results of this policy? Are these facts, or are they not? and if they be facts, is it possible for the House of Commons to adopt the resolution of the hon. and learned Gentleman? I have always admired the courage, the talents, and, allow me to say, the patriotism of the noble Lord; but while I admit this, I think I am entitled to say, that the greater the talents and other qualities of the noble Lord, if misapplied and misdirected, the more imperative is the duty of the House of Commons to keep a watchful eye upon his policy. I am confident he is sincerely anxious to promote the interests of England and the dignity and honour of the Crown; and yet I must be permitted to doubt whether the best mode of securing those objects is, to insult every nation under the sun, to alienate all our allies, and to leave England almost without a friend on the Continent of Europe.

SIR W. MOLESWORTH said: I will not trespass at length upon the patience of the House, for by this time every hon. Gentleman must have made up his mind with regard to the subject under consideration; and almost every argument has been uttered which can be used either for or against the Motion of the hon. and learned Member for Sheffield. By that Motion the hon. Gentleman calls upon the House carefully to consider the principles which have guided the foreign policy of Her Majesty's Ministers; he asks us to express our approbation of that policy as a whole; and he appeals to the House of Commons from the judgment which has been pronounced upon that policy by the other branch of the Legislature. We sit here, therefore, on the present occasion as a court of solemn appeal for the purpose either of confirming or reversing the judgment of the House of Peers. How ought

we to act? We are at present clothed with the functions of judges; therefore we are bound by the obligations of judges. As the representatives of the British people we have to pronounce a solemn and deliberate verdict which will go forth to the whole world as the solemn and deliberate verdict of the British nation on the foreign policy of Her Majesty's Ministers. The eyes of Europe are, therefore, fixed upon us, for it rarely happens that the British Parliament is called upon to pronounce a judgment on principles of foreign policy. The representatives of the British people have too much to attend to at home to be able to spare much attention for foreign affairs. Therefore, generally speaking, we permit the Government of the day to do as it likes in foreign matters; we exercise little or no control over our foreign policy, and the Secretary of State for Foreign Affairs is almost irresponsible. Of this fact the statesmen of Europe are well aware. They distinguish between the sentiments and conduct of the Government for the time being, and the sentiments and feelings of the British nation. They praise or blame the British Government for its foreign policy without affixing much praise or blame to the British people on account of that policy. All this will be changed by the vote of to-night. The result of that vote will be, in the eyes of the statesmen of Europe, either to identify the people of England with the Government in its foreign policy, or to separate the people of England from the Government with regard to that policy. If the Motion of the hon. Gentleman be carried, the sanction of the people of England will be given to the past policy of Her Majesty's Ministers in foreign affairs; the Government will be encouraged, in fact required, by the House of Commons to persevere in that policy, and the people of England will be pledged to support them in that policy, whatever may be the consequences. It is, therefore, difficult to exaggerate the importance of this vote. If, after a careful and impartial examination of the facts, we are deliberately of opinion that the judgment of the House of Lords is unsound and founded in error, we are perfectly entitled, as an independent branch of the Legislature, to dissent from that judgment, and are also bound, as representatives of the people, to reverse the decision of the House of Peers. On the other hand, if any hon. Members are of opinion that the judgment of the House of Lords is

sound and founded on truth, and that the principles which have guided the foreign policy of Her Majesty's Ministers are not deserving of approbation, I ask, how can any of those Gentlemen, acting in the capacity of judges, with honour, vote to reverse the decision of the House of Lords, or, with honour, refuse to confirm that decision. Now, what are the principles of the foreign policy of Her Majesty's Ministers? They have been stated by the hon. and learned Gentleman, in his opening speech, subject to correction by the noble Lord the Secretary of State for Foreign Affairs; and the noble Lord, in his most able speech—one of the ablest speeches of modern times—appears to me to have substantially confirmed, in great detail, every statement of the hon. Gentleman. According to the hon. Gentleman, the principles of foreign policy affect two classes of cases: first, those which regard individual rights and wrongs. With regard to those cases, the hon. Gentleman declared that it is the principle of the policy of Her Majesty's Ministers to "extend the protection and shield of England to her wandering sons, who are carried by commerce, by pleasure, or by necessity, to the various regions of the world." The principle is a very vague one, and, according to the interpretation which has been put upon it in the course of the debate, it appears to me to be an unsound and dangerous one. For, according to the doctrine which has been laid down, whenever an Englishman has been unjustly deprived of his property in a foreign country, and cannot obtain what he considers to be full redress and compensation, the Secretary of State for Foreign Affairs would be bound to interfere. For instance (as was justly observed by the hon. Member for Radnorshire) if an English traveller were to be robbed by Italian banditti, the Secretary of State for Foreign Affairs would be entitled to demand compensation for him, in the event of the Italian Government not being able to capture the banditti and restore the property of the traveller; and, consequently, it would follow, reciprocally, that if a foreigner were to have his pocket picked in London, the Government of that foreigner would be entitled to demand compensation from the British Government if the thief were not caught and the property restored. Again, it has been laid down in the case of *Don Pacifico*, that when a British subject is dissatisfied with the constitution of a foreign tribunal (for instance, on account of the

mode in which the judges are appointed or removed) then the Secretary of State for Foreign Affairs would be entitled to exercise original jurisdiction in all cases affecting the British subject in the foreign country; and also would be entitled to exercise appellate jurisdiction, if the British subject should be dissatisfied with any judgment which that foreign tribunal might pronounce with regard to him. These doctrines have been expressly maintained with regard to despotic countries; therefore, with regard to Austria and Russia. They have been applied to a constitutional Government in Greece; consequently they may be applied at pleasure to all the governments of the world, and in virtue of them the Secretary of State for Foreign Affairs would become the chief policeman and supreme judge of every country in all matters affecting British citizens. And, in fact, the noble Lord, in the conclusion of his speech, claimed for the British citizen in foreign countries all the rights and privileges which the Roman citizen claimed by the saying, *Civis Romanus sum*. Now let the noble Lord remember that when this was said, the Roman citizen was the master of the earth, and could and did trample upon mankind. To maintain pretensions as lofty and arrogant as those of Imperial Rome, what fleets, what armies, what immense expenditure, what burden of taxation would not be requisite? I ask financial reformers to answer. If these doctrines of the noble Lord are to be carried out, every European nation would be entitled to consider the visits of Englishmen as a nuisance, and to discourage those visits as much as possible. It appears to me that if a British subject think proper to wander wherever pleasure or profit may tempt him, the general rule should be that he must take the consequences of so doing; and the more despotically or the worse governed a country may be, the less entitled should the British citizen be to expect that the Secretary of State for Foreign Affairs should be at hand to protect him. For instance, if in such a country a British citizen choose to buy property, or to lend money to the State, he would buy the property cheaper, and lend the money at a higher rate of interest, than he would do in this country, because the security for his property and for the payment of his interest would be less. Why, then, should the Secretary of State for Foreign Affairs interfere in his behalf to insure him against risk, and to enhance the value of his pro-

perty? Next, with regard to the interference of this country in the local affairs of foreign nations, the noble Lord laid down precisely the same doctrines as the hon. and learned Member for Sheffield has maintained, namely, that it was the duty of Her Majesty's Ministers (to use the words of the hon. and learned Gentleman) "to warn foreign Governments to make concessions to their people—to tell foreign nations that we are friendly to all individuals who are anxious for the right of self-government;" "that we are friendly to every effort that shall be made abroad to obtain self-government, and to crush tyranny and despotism." The noble Lord proved at much length that he had pursued this policy to a greater or a less degree with very little success in Spain, Portugal, Greece, Switzerland, Hungary, Piedmont, Lombardy, Rome, Naples, and Sicily. This policy the hon. and learned Member for Sheffield defended on the plea, that "from us had emanated all that is worth respecting in the government of men," and that "we soar in unapproachable greatness above the nations of the earth;" and with this defence of our foreign policy, the hon. Gentleman coupled the most lavish abuse of France, Austria, and Russia, with a sneer at the United States. I was sorry to hear such language from a Gentleman who is a distinguished representative of the people, and who, moreover, was moving a vote of confidence in the foreign policy of the Government. I must be permitted to tell that hon. and learned Gentleman, that nations who are really great do not boast of their greatness, but use modest language. I protest against the hon. and learned Gentleman's doctrines, which would make us the political pedagogues of the world, and would bind mankind to adopt our institutions as the best form of government for every nation of the earth. No one is more convinced than I am, that constitutional government and democratic institutions are the best forms of government for communities of our race in every part of the globe; because, by the education and long experience of centuries we have acquired an aptitude for those institutions. But I am not sufficiently acquainted with the wants, habits, and feelings of foreign nations to presume to assert that British institutions and British liberties are the only means by which foreign nations can be as well governed as Britain is. The hon. and learned Gentleman said that

he only wished to propagate his faith by moral influences. The same language was used by the chiefs of the first French revolution. Now, it appears to me that the only moral influences which we are entitled to use, in order to convince foreign nations of the goodness of our institutions, would consist in making our institutions work well in this country, and in setting a good example which foreign nations might imitate if they think proper so to do. I object to the so-called moral influences which consist in instructing ambassadors to become the chiefs of foreign political parties, and to teach Ministers of foreign potentates the mode of governing their subjects. I object to sending envoys as wandering lecturers on the principles of constitutional government. An hon. Gentleman—I think it was the hon. and learned Member for Sheffield—said that nations, in respect of their relations to each other, should be looked upon as individuals—that is to say, that the relations between nations were analogous to those between men. I accept that analogy; it appears to me a good one. Therefore, I maintain that one nation has no more right to interfere with the local affairs of another nation, than one man has to interfere in the private affairs of another man. Now, there are certain persons who delight in interfering in the affairs of other persons, and are always offering unasked-for, and uncalled-for, advice. These persons are called officious meddlers; they are very disagreeable persons—hated as mischief-makers, and apt to sow discord in the bosom of families. Now, this is precisely our character among the nations of the earth in consequence of our foreign policy. We are looked upon as an officious, meddling nation, which, not content with managing its own affairs very well on the whole, must interfere with the affairs of other nations; and ours is the inevitable lot of the officious givers of uncalled-for advice; we are hated by all parties in all nations; the Liberals say that we first encouraged and then abandoned them; their opponents say we have stirred up the embers of discontent. It is doubtful whether we have always interfered on the truly Liberal side; but this is certain that the victory has always been to the party opposed to us; and that the way to be popular throughout Europe is to be at enmity with our Foreign Office. Therefore, in consequence of our foreign policy we are generally detested by the nations of Europe. If we determine to persevere

in that policy, it is idle to talk of reducing our fleets, our armies, or our general expenditure. On the contrary, we ought to augment them all. A great portion of our present expenditure has been the consequence of our past foreign policy. Our interference in Syria led to an increase of our military and naval establishments, which increase cannot be reckoned to have cost less than 2,000,000*l.* a year. How, then, will the financial reformers vote? I dissent entirely from the proposition contained in the Motion of the hon. Gentleman. But I have been told over and over again that myself and other hon. Gentlemen on this side of the House, who condemn our foreign policy—and there are many such—that we ought to vote for the Motion of the hon. Gentleman, because if it be lost the present Government must resign; that if they do resign, there are no men belonging to the Liberal party of sufficient ability and talent to fill their places, and that the result would be a Tory and Protectionist Government; and it is affirmed that such a Government would pursue a course of policy which would lead to confusion, revolution, and the destruction of property. Hence it is inferred that to avert such a calamity, all Members on this side of the House who condemn the foreign policy of the Government are bound to sacrifice their convictions, and, on the plea that the means justify the end, to declare by their votes that to be true which in their consciences they believe to be false. Now, I do not believe that liberal principles and the institutions of this country require to be upheld by such means, which, if used in the ordinary relations of life, every man would pronounce to be dishonourable. Suppose the present Government were to resign, I should be sorry to see them out of office, for, so far as their domestic policy is concerned, I am a cordial supporter and a willing follower of Her Majesty's Ministers; and, even with regard to their foreign policy, no one more readily admits than I do the great talents and undoubted abilities which the noble Secretary for Foreign Affairs displays on all occasions, and I firmly believe that he wishes to maintain the honour and renown of England and the peace of the world, though I utterly deny that the principles of his policy are well adapted to produce these results. Suppose, however, that the present Government were to resign, I do not believe that men cannot be found among the Liberal party qualified to take

their places. But suppose the disagreeable alternative of the hon. Gentlemen opposite coming into power, I do not believe that they who have so large a stake in the property of this country—that the landed Gentlemen of England, under leaders with the abilities of Lord Stanley, and with the talents of my hon. Friend the Member for Buckinghamshire, would pursue a course of policy which would lead to confusion, revolution, and destruction of property. But suppose the majority of the people of this country be in their favour, what right have we who proclaim the sovereignty of the people, to set aside the sovereignty of the people by voting against our consciences? But it is said there will be a dissolution. Why not? Most of us have voted for triennial Parliaments, and the three years have already expired. But it is said some of us will lose our seats. So much the better, for that assumption, if true, proves that we do not represent the people. These pleas and pretexts for voting against one's principles are well known to me. I first heard them immediately after the passing of the Reform Bill. Then the cry was, "If you let in Peel and the Tories, the Reform Bill will be repealed, and a revolution will follow." This cry induced many innocent Members to give votes of which they bitterly repented. Well, the right hon. Baronet came into office; no revolution followed; on the contrary, by his distinguished services and beneficial measures he has won well-merited renown, and I believe saved his country from a revolution. In conclusion, I repeat that I have firm faith in the institutions of this country, and that I do not believe that for the beneficial working of these institutions it is requisite that any of the representatives of the people should, even on this occasion, vote against their convictions. To affirm such a position appears to me the greatest calumny which can be uttered against representative and constitutional government. For us to act upon such a position would tend justly to cast a discredit upon representative institutions in the eyes of Europe, which the noble Lord, with all his ambassadors and wandering missionaries, would never wipe out. We owe it, therefore, to ourselves, to our constituents, and to the fair fame of our institutions, that, solemnly appealed to as we are on the present occasion, every one of us should vote for or against the Motion of the hon. and learned Gentleman, according as we approve or

disapprove of the proposition which it contains. For myself I have for many years disapproved of the foreign policy of Her Majesty's Ministers. I protested against it ten years ago; my convictions upon the subject are unchanged. I shall therefore, without hesitation, vote against the Motion of the hon. and learned Gentleman, deeply regretting at the same time that I must act in opposition to political Friends, for whom I entertain as sincere an esteem and regard as I do for Her Majesty's Ministers collectively and individually.

MR. S. ADAIR said, that he gave credit to the hon. Baronet who had just resumed his seat for the sincerity of his reluctance to separate from his political friends, but he could not perceive the cogency of the arguments which had induced the hon. Baronet to take such a remarkable course. On the contrary, he believed that the hon. Baronet's speech was illogical and inconclusive, and that it afforded a curious instance of the inconsistencies into which a man was liable to be betrayed in endeavouring to develop a theory more brilliant than rational. The hon. Baronet now viewed with the greatest disfavour the idea of forcing on other countries constitutions for which those countries had not as yet manifested their aptitude, and yet there was no Member of that hon. House who had been more ardent in his anxiety to force upon the Australian colonies a constitution similar to that which prevailed in England. So true was it that the theory of to-day was not unfrequently at variance with the conclusions and actions of yesterday. It was curious to observe with what vehemence the foreign policy of the Ministers was now attacked by hon. Members who formerly either took no exception to it, or actually approved of it. The proceedings of the hon. Baronet reminded him of an incident which occurred some years since. During the first siege of Acre, the Pacha, in proceeding to attack the Turkish troops in front, was surprised at the want of their usual alacrity manifested by his troops, and he at length found they had been attacked in their rear by a battalion of artillery in the service of Mehemet Ali. The hon. Baronet must not entertain any doubt as to the alacrity of those who had that night been attacked in the rear, for from his (Mr. Adair's) experience of Parliament, he believed that no policy of a Government was ever supported with more

unanimity by a party than that which was the subject of discussion, and which had received the approval of everything liberal, both in that House and the country. He agreed in the opinion laid down by the hon. and learned Member for Oxford, that the law, in such cases of interference as had been brought before the House, must be fluctuating and uncertain, and various modifications must often be made in the application of any principle on the subject. With regard to the position of British subjects sojourning in foreign lands as to their individual rights and wrongs, he believed that, whatever diversity of opinion might exist on other branches of the question, this much at least would be conceded, that no subject of the British Crown, coming under the operation of foreign laws, ought to be in a worse position than he would have occupied under the laws of his own country. The noble Lord at the head of the Foreign Department had never contended for more than this. He had never sought to stretch beyond this point the rights or privileges of British subjects travelling in other climes. It had been said that the noble Lord had meddled unjustifiably in the affairs of other countries; but the charge was wholly without foundation. No doubt "non-interference" was the best rule to observe in all practicable cases: but it was easy to conceive that circumstances might arise in which it would be impossible for a country holding the position of England to refrain altogether from interference. In bygone times, Queen Elizabeth was the exponent of the great principles of the Reformation in the Low Countries; and Cromwell vindicated the principles of the Revolution on the Alps. There were two points on which the noble Marquess who spoke last was mistaken as to matters of fact. The noble Marquess in the first place stated that neither Mr. Finlay nor the arbitrator who was named by him ever made any application to the Greek Government to be furnished with copies of the papers respecting that gentleman's claim for compensation. The noble Marquess was misinformed on this point, as applications had been made for that purpose. The noble Marquess also had not received accurate information as to the age of the son of M. Lavellias, the Minister of War at Athens, who was stated to have taken an active part in the disturbance of the house of M. Pacifico. The noble Marquess said that this person was only a boy

of 12 years of age. Now he (Mr. Adair) was informed by those well acquainted with the circumstances of the case, that he was at least a boy of the age of 14 or 15. Hon. Gentlemen who were conversant with the development of the physical powers of the human race in that country, would be fully aware that a lad of the age of 14 or 15 was not like a schoolboy in this country, but would be well advanced towards manhood. Indeed, he had heard of a grandmother at the age of 25 at Athens itself. With respect to Baron Gros, he would do that gentleman the justice to say that he believed him to have entered on the negotiations, in the first instance, with a sincere desire to do justice to all parties; but, excellent though his intentions were, he had not sufficient strength of mind to resist the unrighteous influences which coiled and twined around the seat of Government at Athens. He constituted himself a judge, and would almost have become an advocate. This fact was evidenced with painful distinctness by the correspondence on the table; and by no circumstance was it more clearly established than by this, that he refused to submit to the Greek Government, on the part of the British, any proposition which did not quadrate with his own ideas of propriety. In acting thus he mistook the true purpose of his mission. In one of the despatches Mr. Wyse says that Baron Gros had adopted the determination to refuse to present to the Greek Government any papers of which he did not himself approve. Mr. Wyse then observes—

"I did my utmost to induce him to reconsider his determination, and at least not to break off his negotiation, but to submit to the Greek Government the terms I offered, if he were not prepared to recommend them, for I was informed that the Greek Government were most anxious to close the question, and had themselves expressed apprehension that Baron Gros would hesitate to propose to them terms submitted by me to him of which they had cognisance, and which they did not regard as too severe or onerous, and were consequently willing and anxious to accept. In fact, the Greek Government were seriously alarmed at the state of the country, and considered it a vital question for them to have their differences with Great Britain definitively settled."

He was as unwilling as any Member in that House to weary the House, and he certainly was not going into the whole of the questions connected with Greece, but he felt bound to direct attention to a few points. There was another point as to which he was entitled to call for the evi-

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dence, not of the negotiators themselves, but of the Greek Chambers. So soon as the claims of the British Government were made known, the Greek Ministry necessarily looked to their means of defence. Those means consisted in misrepresentation, suppression of documents, appeals to the support and encouragement of foreign Powers; but he did not find them appealing, as Ministers conscious that they were acting for the public good, would have appealed in the agony of the State, to the bold and resolute population which threw off the Turkish yoke, or to the Chambers. The project of indemnification which they proposed was not supported by the Chambers, nor did the population rally round them, as the population even of the wildest tribes of the earth rally round their chiefs when in danger. Not more than two addresses, in spite of official persuasions, arrived from the provinces. A public demonstration was attempted, but without success, and the anniversary of the King's arrival in Greece passed off with the usual apathy, the only "*zetos*" from the mob in front of the palace being those of boys and soldiers. But the Greek Ministers relied on the encouragement given them by the diplomatic agents of Russia and France. He regarded as one of the incidents of the negotiation most worthy of approval the dignified and temperate rebuke to the remonstrance of the Russian Government, which was administered by Lord Bloomfield, our Ambassador at St. Petersburg. Count Nesselrode complained, not because we had made the claims, but because we had not requested Russia to represent our claims to the Greek Court.

"I replied," wrote Lord Bloomfield, "that I could not suppose it was from a want of courtesy towards the Imperial Government that Her Majesty's Government had not communicated to them their intention to compel Greece to satisfy certain demands which we made on that country, and which we considered ourselves justified in requiring to be settled, but that I presumed, for I had no instructions on the subject, that it was not thought necessary to send a communication to the Cabinet of St. Petersburg, because we were not in the habit of asking advice of other countries as to the mode in which we thought it proper to effect from time to time a settlement of the numberless private claims of Her Majesty's subjects on foreign Governments; and, further, it appeared to me that even if we had communicated our intentions, the Russian Government seemed already to have prejudged the case, and therefore would only have been found disposed to retard an arrangement respecting them rather than to have advanced our object."

Reverting to the subject of the conduct of the Greek Government, he would take leave to remind the House that the letters of our Minister at Athens were conclusive as to the universal feeling of reprobation with which their policy was regarded by the people at large. In a letter addressed by Mr. Wyse from Salamis Bay to the noble Lord, on the 27th of April, 1850, the following passages, which were quite satisfactory on the point, occurred:—

"In the Senate, Ministers were attacked with still greater vehemence. M. Adam Douca led, M. Londres replied; M. Psyllas followed in a set speech, and was supported by M. Papalexopoulos, M. Mansolas, M. Manginas, and even M. Caracatzani. Ministers were plainly told that, having hitherto left the Senate in complete ignorance of their proceedings, it was impossible for the Senate to pronounce on what they did not know—on the conduct and propositions of Ministers; that M. Londres, who spoke for them, had no right to expect that he should be believed, after the deception he had practised on the Senate in the *Cervi* and *Sapienza* question; that he had always affirmed that these differences between Great Britain and Greece would terminate to the honour and glory of Greece; that as Ministers would have claimed and received the whole credit, had it so ended, it was only just that, should the contrary be the case, the whole shame and disgrace should fall upon them: that it was unconstitutional for the Senate to interfere in the acts of the Executive whilst in progress; but when completed, it was their constitutional right and duty to judge them. No one but M. Bulgaris spoke in favour of Ministers. At a late hour the Senate came to nearly the same decision as the Chamber of Deputies, namely, 'that the Ministry, being enlightened by what had just been said, do take such measures as shall appear most conducive to the interests of the country.' The Ministers left the Senate much disturbed at the issue of these proceedings. During the course of the debates various incidents occurred, which marked sufficiently the temper of the Assembly, and, it may be added, of the public. M. Londres himself is represented to have said in the Senate that England was a great and powerful nation, and had always shown herself the benefactress of Greece; to which it was replied that this was no new discovery, and ought to have been felt before; and as they, the Ministers, had conducted the affair up to this hour by themselves, they might continue to do so in the same way unto its close. The Cabinet Councils which preceded and followed the discussions in the Chambers were not less distracted. It is stated that, preceding the summoning of the Chambers, a decided opposition was observable. M. Balbi, Minister of Finance, in particular, signalled himself by strong representations of the necessity not only of terminating these difficulties, but of effecting a thorough reconciliation with England. Without this, he considered all other measures incomplete. M. Balbi, at an early period, urged the same course; whether from regard for England or hostility to his Colleague, M. Londres, it is difficult to say. He has of late, on other grounds, proffered his resignation, and did not attend the Chambers with the other Ministers during the late debate. The effect

of these proceedings has been very great. They show that the country is in direct opposition, on the question, to the diplomacy and the Government. They restore England to her just position here amongst the other Powers, and vindicate our proceedings in the face of the world against the calumnies which have been so liberally cast against them both here and elsewhere. Long since has the great mass of the community protested in our favour by their significant silence and uninterrupted good feeling, and considerate conduct towards us under severe trial; the press, with few and inconsiderable exceptions, has supported us, and the Legislature now has pronounced. This last expression of the public will, I consider, be decisive. It is impossible the conclusion of the question can now be deferred for many days."

Surely, if the Greek public so regarded the conduct of the Government, the noble Lord might be pardoned for also regarding it with some feeling of reprobation. It was because he (Mr. S. Adair) believed that the course pursued by the noble Lord was that which was required by a due regard for the honour and dignity of England, and not in consideration of any party alliance, that he was prepared to give his cordial support to the Motion of the hon. and learned Member for Sheffield. When he considered that, with the exception of three of the principal Powers of Europe, all the others had directly interfered since February, 1848, he could not but contrast the conduct of Her Majesty's Ministers with that of other Powers. Did not the House remember, in the first instance, the extraordinary appearance of the troops of France under the walls of Rome, the advance of the Spaniards on that capital, and the circumstance of the Neapolitan troops being driven back to their own frontier? and had they not seen the advance of the Prussian and Russian troops? There were certain cases in which interference was justified by the necessity of each particular case. One of those cases was that in which Turkey had been lately placed, when, in the face of the most solemn treaties, the Sultan had been subjected to great indignity and contumely. Well it was for him and for the refugees whose extradition was insisted upon by Russia, that the fleet of Admiral Parker was despatched in the eastern waters of the Mediterranean. It might be contended by some hon. Members, upon transcendental ground, that diplomacy was unnecessary, and that it only led to misunderstandings and litigation; but he thought that the experience of the past abundantly proved that diplomatic services were necessary for the protection of commerce and the common interest of nations. He (Mr. Adair)

fully agreed with the hon. Members who had declared their conviction that not only our foreign relations but our domestic policy should be watched with the utmost carefulness, guided by the utmost discretion, and subordinated to the most exact observance of the laws of truth and justice. The whole world was now in transition from the old state of things to a new, and he firmly believed a better, state of civilisation; and it was natural that the eyes of all should be turned to England for an example which she ought to be able to follow. If, therefore, the conduct of Britain's Ministers should be at all times the object of solicitude to their country, more especially ought it to be so at this moment. Had they prostituted their influence to purposes of oppression and wrong, no calls of party should bind him to give his assent to the Motion; but it was because he did not conceive the policy of Government deserving of the reprobation with which it had been met, that he now stood forward to support it firmly and determinedly. He regarded their policy as especially entitled to the support of the House, on account of their great attention to everything that could protect or advance the commercial prosperity of England. The case of Venezuela afforded a remarkable instance of the necessity of such protection to Englishmen settled in foreign countries, as well as of the salutary effect produced by a judicious and resolute assertion of our rights. In that country a law existed by which a debtor, on obtaining the assent of a majority of his creditors, might postpone for an indefinite period the acquittal of his obligations; and to show how this law might be used or abused, there was one instance mentioned by the Consul General of Caraccas, in which a debtor had put off a settlement for fifty years. Under this unjust law, British subjects were exposed to a denial of their rights from those who had incurred obligations to them. Some might say that this was a case in which Britain should not have interfered, and that the laws of the country should bind those who resided in it. Such was not his opinion. In a case of such gross and exceeding wrong, any Government would have been exposed justly to the indignation of the country which hesitated to apply such means of redress as were adopted on that occasion. The just, firm, and temperate remonstrances addressed by the noble Lord to that Government, showed them that they could not find an excuse

for wrongdoing or feebleness; and the Venezuelan Senate had agreed to make the indemnification that might be necessary in consequence of the operation of such a law. He assured the House, notwithstanding the opinion which hon. Gentlemen opposite might entertain upon the subject, that the present crisis was regarded by the commercial classes of the country with the most intense interest. He held in his hand a letter from a manufacturer in the country, addressed to an hon. Member of the House, which would sufficiently indicate the state of feeling of the class which he represented. It ran thus:—

“My dear Sir—We have read Bernal Osborne’s speech twice over. It is a masterly performance, and he will have the thanks and sympathy of every lover of his country. We cannot realise the fears and apprehensions he shadows forth as to the free-traders. If any of them desert Palmerston in this instance, they will sink in public estimation, never to rise again. They will show they neither understand the views nor the feelings of the great mass of their supporters. We are grateful to the Minister who, despite of conspiracy at home and despotism abroad, has done what he could for his country’s honour and the advancement of the world; and we freely forgive Lord John Russell’s seven years of do-nothing-policy for the pluck he has exhibited on behalf of his Colleague. To refuse a cordial support to the Foreign Minister at this moment is madness. Abstract reasonings at a moment like this are beneath contempt; and if the free-traders act upon them and desert their duty, may God desert them in their hour of need!—I am, Sir, &c.”

[Cries of “Name, name!”] He was not at liberty to read the name, but he gave his word of honour that the letter was a *bond fide* one. With respect to the feelings of the middle classes, he believed it was quite as strong. A gentleman with whom he had held a conversation on the morning succeeding the last night’s debate, had told him that he knew the middle classes well, belonging, as he did, to the movement party, and that if there was one point more than another upon which the nation would give its support to Ministers, it would be upon their foreign policy. He had himself received several letters, expressing great apprehension lest the result of the division would cause a dissolution of Parliament. He had taken the liberty to assure his correspondents that he himself had no fear of the result; but that if it should prove contrary to his expectations, hon. Gentlemen opposite would have most cause to fear. He assured those hon. Gentlemen that a dissolution of Parliament would not lead them to the bed of roses

which they anticipated. If the result of the vote they were about to give, should be in accordance with that given elsewhere, it would be tantamount to saying that any subject of England, no matter in what part of the world he might be placed, might be liable to have the profits of his labour and enterprise snatched from him to swell the coffers of his rapacious debtor; and that, no matter what wrong he might be subjected to, his own Government would not redress his injuries. He would not be a party to any policy so dishonourable, and therefore his vote should be recorded in that majority which he confidently expected would be found to confirm the policy of the Government.

MR. S. HERBERT: I must confess that the speech which we have just heard is one which I feel great difficulty in answering. The authorities that have been quoted are anonymous. The Gentleman who in that lucid letter explained his views upon the state of parties, and who described his alarm lest there should be some disaffection from among the ranks of the Liberal party with regard to the policy of the noble Lord the Foreign Minister, with great discretion and good sense abstained from adding his name to the document. The Gentleman, too, whose conversation the hon. Member quoted, must, I think, owe to him a debt of gratitude for exercising a similar discretion. With reference to the case which the hon. Gentleman puts forward, upon which he justifies his adhesion to the policy of the noble Viscount, its locality is in a region so distant that I must humbly confess my entire ignorance of the circumstances of the course which the Government pursued, and of anything more than the general results to which it conducted. Whether or not (for I could not clearly make it out) the hon. Gentleman quoted the case of Venezuela as an additional instance in which the noble Lord has acted with little forbearance and little temper towards a small State, or whether, upon the contrary, he adduced it as showing that the noble Lord there exercised great moderation, I am unable to say. I am unable to combat either view of the case; and therefore I must ask the hon. Gentleman’s permission to come back to those more important matters with the history of which we are all far better acquainted. The noble Lord, in his speech the other night, a speech for which every one desired to do him a just homage, objected to the course taken by

my right hon. Friend the Member for Ripon, on the ground that, in reading a despatch upon which he founded some of his strictures, and on which he accused the noble Lord of interfering, in a manner unbecoming in its tone, in the domestic and political concerns of another country, the noble Lord objected that my right hon. Friend had not read the concluding passage of a despatch addressed to Mr. Bulwer, in 1846, and which, therefore, he read himself. I must do my right hon. Friend the justice to say that, without reading the whole despatch, he did imply that which the noble Lord thinks was misstated, namely, that this despatch was not communicated to the Minister, inasmuch as he stated that this despatch had transpired to the Spanish Government; and no wonder, for the noble Lord communicated the despatch to the French Government, and it was printed and published. At that time, General Narvaez was resident in Paris, holding a diplomatic appointment, and in that printed despatch it appears that the noble Lord, who tells us that in all cases he is animated by a desire to promote constitutional principles, and that he repudiates all personal feeling, in a sentence which does not appear in the Parliamentary edition of these papers, the noble Lord, who had no personal feeling against any Minister, and who would not allow himself to be animated by personal feelings against any man opposed to him—could find no other expression to apply to Narvaez than that of “reckless adventurer.” Now, Sir, the speech of the hon. Gentleman tempts me to do that which I shall do in this case only, and in no other, and that is to make reference to a letter in the Greek papers. And here I must say I think the principal value to be placed upon the Greek papers is, as showing indications of the manner in which the foreign affairs are now conducted. The hon. Gentleman says the information of my noble Friend the Member for Stamford is incorrect. It is well known, the sons of Zavellas, who were accused of making a riot and attacking the daughters of Pacifico, were only twelve years old; but he says, “You must make allowance for the difference of climate, and for the precociousness which prevails in that country, because I have known an instance of a lady being a grandmother at twenty-five.” [Mr. S. ADAIR said he had described the boys as between fourteen and fifteen.] Whether they were only twelve, or fourteen or fifteen, the boys were coming

home from school, and playing with bows and arrows. They made a disturbance and behaved improperly, and doubtless received due chastisement from the pedagogue to whom their education had been very unsuccessfully intrusted. But it became a matter of great national importance. Now, during the whole of the negotiations and correspondence which passed upon what are called the Greek claims, the noble Lord showed a very great aversion to do that which he has himself told us was the proper course to pursue. The noble Lord does not appear to have recommended applications to the local tribunals. Either an action would not lie, or there were technical objections why the tribunals should not be approached by British subjects who had been injured; yet in this one instance, in which there was much less chance of success by going before them, the noble Lord had recommended prosecution. There was hardly any prospect of any very great success in case of such trivial assault. [Lord J. RUSSELL: There was the destruction of his house.] There was no destruction of the house; and the second case was the only instance which I can find where the noble Lord recommends recourse to the local tribunals. Why? Because he had then an opportunity of bringing before them the two sons of the Minister who had been opposed to him. The noble Lord had for a long time been on the worst terms with the Government of Greece. Where there was a possibility of obtaining a verdict, the noble Lord does not recommend application to the local tribunals; but in this instance, where there was an opportunity of bringing discredit upon Zavellas. Unlike Macduff, General Zavellas “had children,” and the noble Lord thought he was able to expose them by bringing them into court. I beg pardon for having been tempted by what fell from the hon. Gentleman to diverge into these transactions, and I return to the topics raised by my right hon. Friend the Member for Ripon. The noble Lord having alluded, in the terms I have mentioned, to the despatch he addressed to Mr. Bulwer in 1846, made no similar reference to the despatch of 1848, and I think we may assume that when a debater of the power and ingenuity of the noble Lord allows an accusation brought against him to remain untouched, he has the best possible reasons for so doing. That despatch is an instance of the noble Lord’s system of interference. Let us now see the results to

which it led. Our Minister, acting upon his instructions, took so active and eager an interest in the domestic affairs of Spain, that, without referring to the circumstances, it ended in the expulsion of Mr. Bulwer from Madrid. Then, said the noble Lord—

“ I am accused of having, in the reconciliation which has taken place between Spain and this country, shown a great want of courtesy and temper towards the Spanish Government.”

I think the Spanish Government might have been justified in accepting the particular despatch in which the noble Lord expressed his regret that Mr. Bulwer was not at hand to be restored to his post at Madrid, for I think they can afford to be generous, and that they will not suffer in the contrast when their despatches are compared with those of the noble Lord. But the noble Lord went further, for he said—

“ I will make confidants of the House, and tell them how that happened. I do not care to tell it, but that despatch was submitted to the Spanish Government in draft, and they approved of it before it became an authentic document.”

That statement was received with loud cheers. But the noble Lord had made the House only his half-confidants; and I want to know whether he will tell us any more. Will he show us the other drafts submitted to the Spanish Government, from among which this particular one, after negotiation, was accepted as being the least offensive of them all? Again, passing from these considerations, the noble Lord, in his speech the other night, brought us to a consideration of the history of the events of 1847, in a country where I had the good fortune to be present during many stirring and exciting scenes. The House must remember perfectly the situation of Italy in the summer and autumn of 1847. There existed the greatest and the wildest discontent arising from misgovernment in some of the Italian States. Genoa was governed by the Jesuits. They filled every confidential post; the avenues to employment in every province were in their hands. They used their influence in a manner which did not tend to perpetuate or consolidate their power; and the people, seeing the ministers of religion engaged in carrying on the Government upon principles the very contrary to those of morality and justice, became enemies almost to religion itself. Tuscany had been governed by an excellent administration; her material resources greatly developed; the people generally were in-

dustrious and contented, but still without any mixture of those free institutions to which by the character of her people, and by her traditions of liberty, she was entitled. The States of the Church were governed as the States of the Church have always been governed. At the time the first inquiries were made into the state of the Roman administration, the abuses discovered, both in the administration of justice and finance, were beyond all human belief. As far as concerned the administration of justice, it was a notorious fact, that many, not only political, but other persons charged as offenders, were confined for two and three years in gaol without trial; that in the prisons no authority was exercised over the subordinates charged with the administration of those prisons; that many were flogged at the discretion of the gaolers; that torture had been used; and that, after a man had been subjected to the basest and most humiliating treatment, he might in the end be dismissed and told there was no evidence against him. In the finances there was the greatest disorder and confusion. I recollect seeing myself the report of an examination into one branch of revenue which would have astonished my right hon. Friend the Chancellor of the Exchequer. It was to the effect that in one small article of excise, so small that the total revenue it produced was only 300 crowns a year, the cost of the stationery was 700, and the salaries 4,000, a year. This was an instance of the way in which revenue extracted from a people suffering in great poverty was squandered in the most licentious manner. The accession of the Pope inspired throughout Italy the greatest hopes of reform. A benevolent man, anxious for administrative reforms, but who has played a part which he never intended to play, found himself, to use an expression of one of the liberal statesmen in Italy, “ placed by a large party upon a pedestal so high that he could not get down from it without destruction to himself.” He began his reign, as was well expressed in the letters of Mazzini, without the slightest intention of introducing any constitutional changes whatever: his object was to convert a bad despotism into a good despotism; his sole ambition to raise the States upon a level with that of Tuscany. But the long-slumbering discontent of every country in Italy was too powerful for his Holiness, and he soon found himself impelled into measures far more extensive than those he had originally contemplated. At

that time no Englishman who watched the progress of Italian affairs could do otherwise than take the most lively interest in the prospects of the Italian people: whilst those whose classical education gave them perhaps a prejudice in favour of the literature of Italy naturally felt more than others great interest in the future of that city which had once been the political, and again the religious metropolis of the world, and which had twice given civilisation to the world. I have spoken of Sardinia, of Tuscany, and of Rome. I may include Naples in the list without making any exception in her favour. I confess then, that I watched with anxious hopeful gaze the proposal that better times were drawing near, and that the days of Italian regeneration were at hand. But there was a complication in Italian affairs which afforded an opportunity for the interference of the noble Lord, which interference, founded, as I think, on an entire misapprehension of the state of Italy, led to the most fatal results. In the north of Italy there was a large country governed by a nation who have held possession of it for centuries, though speaking a different language, between whom and the inhabitants their nationality as Italians interposed feelings of the greatest dislike. The greatest alarm was felt lest a collision should ensue between Austria and the other Italian States; but I think that, from the first, the documents show a complete misapprehension on that subject on the part of the agents of the noble Lord from whom he derived his information. The Liberal party, or rather the moderate party, used the name of Austria as a bugbear to keep the extreme section in order. Commit excesses, said they, and Austria will intervene. Proclaim a republic, Austria will invade you. But they were too sagacious to believe these statements. They knew well enough that Austria was too frightened to move, and that the last thing she would willingly do would be to add foreign difficulties to her internal disputes—that Austria held possession of Lombardy by the sword alone—that the utmost she hoped was to retain her possession, but that if attacked she would defend it. But that was not the opinion of Mr. Abercromby. Mr. Abercromby filled the noble Lord with constant apprehensions as to the intentions of Austria. He attributed to her not only the most sinister projects, but the most ubiquitous instigation of disturbances. There was a republican movement at Leghorn. It was

got up by Austria. There was a reactionary plot at Rome. It was Austria. A long correspondence ensued, in which we continually find the suspicion that Austria had hostile intentions against other States, but Austria as continually denied it. Now, I was very anxious to hear what the noble Lord would say, in answer to the grave accusation against the honour of this country, which was adduced by the Ambassador of that country. That accusation was answered at the time in another place, in a manner very different from the explanation which the noble Lord gave of it the night before last. Mr. Abercromby made a statement that the Austrian Government had sent their Minister to demand an audience of the King of Sardinia for the purpose of presenting personally to him a note menacing Sardinia if she appointed civic guards on her territories. Or rather, I should say, it was the copy of a letter menacing Tuscany, if Tuscany formed a civic guard. That was to be communicated to the king, because Sardinia being coterminous with Austria, Austria considered herself equally in danger from such an armed force as Sardinia. That statement was made by Mr. Abercromby, and it was related with further details. It was said that etiquette at the Sardinian court would not allow a foreign ambassador to have an audience for the purpose; but that if the note were put into the hands of the Foreign Minister, it would be transmitted to the king. The noble Lord alluded to this very circumstance as a justification of his view that the professions of Austria were not to be believed. Yet will the House believe that the whole of this story turned out to be untrue. It was a gross fabrication palmed off upon Mr. Abercromby; and I must say that upon that ground I heard the statement of the noble Lord with the greatest surprise and regret. The noble Lord, observe, had written a despatch, imputing to Austria an intention to invade Sardinia and other States. Austria had as distinctly denied any such intention, in the strongest terms. She said that not only had she no intention to invade Sardinia, but that if Sardinia were attacked, she would be the first to assist her to repel the invaders. Now, the noble Lord, at a time when all Italy was disturbed—when an excited and anxious people were ready to break forth at any moment upon the slightest alarm which might lead them to think their privilege of liberty was about to be wrung from them—the noble Lord at

that moment circulated these rumours about an intended invasion of the Italian States. He published and circulated it, not at the request of any Member of either House of Parliament, but "by command;" yet he did not lay upon the table at the same time the answer of the Austrian Government distinctly denying the allegation! And not of the Austrian Government only, whom he suspected, and who he thinks are not to be believed upon honour, but the distinct confession of the Sardinian Minister, who said, "I never heard of such a thing, and I do not believe it exists." This astonishing paper produced, as may well be expected, the greatest effect. The alarm of invasion had set every one arming. The civic guard were formed first of all under the impression of war between Austria and Sardinia. The Austrian Minister here—it was stated by Lord Brougham elsewhere—made a representation of having been unfairly dealt with. And we may search the blue books in vain for any despatch from Austria in answer to that which the noble Lord had circulated. The right hon. Baronet quoted a portion of this despatch—this despatch the noble Lord suppressed—and he suppressed it, not as stated by one of his Colleagues in the other House, from inadvertence. The noble Lord scorned to take advantage of that excuse, but he says—

"I purposely suppressed it, because I did not think that the professions of Austria were worthy of credence. I founded my disbelief of those professions upon the very facts of their having written a note to Count Solar de Marguerite."

Count Solar de la Marguerite, the Sardinian Minister, denies that such a note ever was written to or seen by him. Now, I want to know whether the House of Commons intend to recognise such a mode of transacting business between England and foreign nations? No private gentleman would dare so to act with his fellows. No man of honour would publish a letter accusing some other person of certain intentions and designs, and at the same time suppress a letter he had received completely denying the imputation. I must say, Sir, it is with shame that I see the foreign affairs of this country conducted in this attorney-like spirit. I do not think it is becoming to see documents suppressed, if they be inconvenient for the purpose which the noble Lord has in view at the time, or that they should be published making reflections on a friendly State, the truth of which is disproved by other

documents not then produced. The hon. and learned Gentleman who moved the resolution was right in altering the terms of it, and leaving out the expression of "the honour of England being untarnished." I do not mean to bring any charge against the noble Lord personally. I have known the noble Lord, I believe, for as many years as I can count. I have invariably experienced from him the greatest kindness, and I have formed for his character the estimate which I have no doubt is universal in this House—that from the frankness and manliness of his bearing, he would be the last man to act in the private transactions of life in any other way than the most scrupulous man would approve. But diplomacy has a code of morals of its own, and in the conduct of public affairs the noble Lord is guided by the maxims and traditions of the diplomacy of the last century. With the altered state of circumstances in Europe he has not introduced, as I think he was bound to do, a more frank, straightforward, unreserved method of conducting public affairs, which increasing freedom of thought requires, and which is necessarily demanded from the increased publicity which free government requires to satisfy the representative assemblies of each country whose affairs are affected. At the time of which I have been speaking, the Earl of Minto arrived in Italy; and the Earl of Minto was naturally disposed to believe all the statements which he derived from his son-in-law, Mr. Abercromby. That information, I believe, originated in a misapprehension of the state of feeling in Italy, among a people who, let it be recollected, had had no political education, who had no practice in self-government, who had no habits of self-restraint, and whose passions were excited, and their hopes and aspirations ripe, at that moment. The effect of this emotion was greatly misunderstood and misinterpreted by the Italian nations. They looked upon the Earl of Minto as come to hasten the progress of constitutional freedom—not to originate it, because it was in progress—not to arrest it, because everybody knew he came to promote it. That opinion was caught up; and that which would, if left to itself, have terminated in the consolidation of free institutions, was converted into anarchy, which was crushed by military despotism. I think that those who, like the hon. and learned Member for Sheffield, place their confidence in the Government upon the ground that they have assisted

to support free opinions, and to establish free governments, would do well to look at the history of Italy during the last two years. At the time of which I have been speaking, every country had gained some great step towards constitutional freedom; there had been singularly little excess among the people, all things considered. If Rome was a country whose peculiar form of government made all progress very difficult, what was gained stood, perhaps on that very account, upon a more solid foundation; but the noble Lord's misunderstanding of the situation of those to whom he was sent, had the most fatal effect upon the progress of constitutional opinions. The noble Lord was not much versed in the Italian character. He was very partial to amendments adapted to the English form of government. The noble Viscount says that the Earl of Minto recommended no constitutional reforms, but only administrative reforms; but in Rome, as in other countries, it appears to me he was trying to recommend an amount of constitutional reform far from being advisable for the interests of the country. He was invited to come out upon a balcony, beneath which was a concourse of persons who welcomed him as one of the saviours of Italy. The noble Lord went out. The story is rather old now, but it will live for many years in Italy. I do not know whether the Earl of Minto is an Italian scholar, but he certainly could not have selected in the whole vocabulary of the language three more unfortunate words than those which he uttered, "Long live the independence of Italy!" (*Viva l'Indipendenza d'Italia!*) Now, "the independence of Italy," throughout the whole of the Peninsula, has but one meaning, and that is the expulsion of the "foreigner" from their soil—the expulsion of that foreigner whose continuance on that soil was, as the noble Lord said, guaranteed by treaty. Well, naturally these things, small and trivial as they were in themselves, yet, with a people so constituted as the Italians were, excited the wildest hopes, and encouraged the publication of the most extravagant theories. The noble Earl, in a despatch which he wrote to the noble Lord opposite, said that he had never heard of a party who were in favour of the amalgamation of all the States of Italy into one, or of a party who desired the expulsion of the foreigner. If so, I can only say that the noble Earl was entirely ignorant of that which was known

to every schoolboy. The party to which I have alluded was a very powerful party. They held a great part of the bar, and almost all the universities; and the strength and countenance given, not by the Earl of Minto, but by the fact of his mission as interpreted by the people, to that party, did lead most materially to the terrible consequences which resulted. But the noble Earl went on. He proceeded to Naples at the invitation of the King. The noble Earl's journey to Naples originated in a curious manner; for the Earl of Minto says that a gentleman one day came to his hotel, and read a memorial, in which two facts were stated: one of them, that in 1812, England had guaranteed the independence of Sicily; and the other, that Sicily was remarkably ill governed. The noble Earl accordingly wrote him to ask whether he might not go and settle the affairs of Sicily. The Court of Naples at that time did not feel itself in a position to disregard the presence of a foreign nobleman holding high rank in the English Cabinet; and probably the King of Naples thought that the noble Earl would be a safer adviser than that young diplomatist, who, no doubt, by his talents and energy, will rise high in his profession some day, but who, penetrated by the instructions of the noble Lord opposite, was at that time leading the opposition at Naples with great skill and spirit. The noble Lord opposite, in answer to the Earl of Minto's application, sent him some instructions which were very simple, and from which I will only read one short extract:—

"I had yesterday a conversation with Prince Castelcicala, the Neapolitan Minister at this Court, who expressed a wish to know whether your Lordship was likely to go on to Naples. I told him that your Lordship's present instructions did not prescribe any visit to Naples; but that I would write to you immediately, to say that if the King of the Two Sicilies should, through Lord Napier, express any wish that your Lordship should visit Naples, you should immediately go thither, and should request an audience for the purpose of conveying to his Sicilian Majesty the strongest assurances of the earnest desire of Her Majesty's Government to maintain, and, if possible, draw still closer, the bonds of friendship which have so long united the Crowns of Great Britain and of the Two Sicilies."

On this amicable mission the Earl of Minto proceeded to Naples, where he found, not a despotic and arbitrary Government, but a Ministry formed of men who had distinguished themselves in the previous parts of their lives by an attachment to the cause of constitutional liberty. Sub-

sequently the noble Earl went to Sicily for the purpose of inducing the Sicilians to accept the terms proposed. The rest of that history is but too well known. The manner in which this country, being in alliance with Naples, undertook the mission, and having failed in the first instance, took afterwards an exactly opposite course, is notorious. After having promised the King of Naples to insist upon terms which we thought just and fair, by which he would have been bound, but by which the other party would not have been bound, we then proceeded, when the Sicilians refused to treat on these terms, to enter into negotiations which had for their basis the severance of the Neapolitan Crown. At first, indeed, this was refused by the emissaries of the noble Lord; but the noble Lord found himself so driven on by circumstances that we at last treated for a repeal of the union between Sicily and Naples, and our fleet saluted the new flag of the Sicilian nation. So clear was our interference considered by the Sicilians, that the captain of one of our men-of-war was asked to sit for his picture to be placed in the town-hall among the heroes of the Sicilian revolution. Subsequently, as the House will recollect, English arms were found in the possession of the Sicilians, with the Tower mark upon them. [Viscount PALMERSTON: They were iron guns.] The noble Lord says they were iron guns. To have sent muskets would have been a breach of our treaty relations; but the noble Lord thought he might send iron guns without compromising this country. Well, we got deeper and deeper in the mire of these arrangements, till, step by step, the noble Lord arrived at the conclusion, that Sicily must be separated from Naples, and set up as an independent State—Sicily with a population not exceeding that of this town—the only question with him being whether that State should be a republic or a monarchy. We began by promoting constitutional reforms. We ended by promoting separate nationalities. The noble Lord decided in favour of a monarchy; and after having expressed his indignation at the treacherous conduct of Sardinia, he made his selection and determined to aggrandise the house of Savoy, by sending the Duke of Genoa to be head of that Sicilian State. The results of all this we know but too well. Those who, like myself, have long hoped to see constitutional and representative forms of government established in Italy, were doom-

ed to be disappointed. From first to last it was obvious that the excitement produced by the interference of England must lead the people to the commission of excesses which would destroy all hopes of a consolidation of constitutional liberty. And so it happened. You who profess to be such ardent admirers of constitutional reforms, tell me what did you find in Sicily and at Rome but anarchy, from which they have only been relieved by the grinding oppression of military despotism? Is it on grounds like these that you would confer on the noble Lord the title of the friend of constitutional freedom? I will not enter into the subject of Greece. [*Cheers.*] I do not wonder, after the long debate which we have had on that part of the question, that the House would gladly be spared any observations from me upon it. I view the whole of that unhappy affair more as an indication of the general bearing of the noble Lord's policy, and the effect which it has on our foreign relations, than as deserving particular notice from me on its own account. The noble Lord has been congratulated on the success of his foreign policy. Is it a great success for this country to have brought France and Russia into closer political friendship and proximity by the course which we have taken in regard to Greece? We boasted last year that there would be one successful mediation in the case of Denmark; but since then we had almost repudiated our engagements, leaving France and Russia, the close amity between which I hold to be fatal to our interests, in a state of close political proximity, which cannot fail to be dangerous to the liberty and peace of Europe. I cannot say that any case has been made out of success on the part of the noble Lord. His speech, brilliant as it was, only showed how it was that the most skilful arrangements always ended in failure. I rejoice at the termination of the difference with France; but when we requested, as I see from the papers distributed two or three hours ago, to have a convention accepted, which but a very few days back we refused to accept, I must say I cannot see any great subject for boast in such success as that. Well, then, I ask the House to consider what have been the gross results of the noble Lord's policy. I do not impugn his conduct upon all occasions. I do not say that in the numerous negotiations in which he has been engaged, he has not conducted some of them to a happy issue. But I ask you

to look at those countries in which the noble Lord has not interfered, at Prussia, now free, at Austria, now attempting to consolidate constitutional institutions, and then compare their condition with the condition of those countries which the noble Lord has cursed with his assistance. Do you approve of the condition of Sicily? Do you approve of the condition of Rome, held by the sword of the French, which, after having achieved its freedom, is now bound down under the yoke of an ignorant and fanatical priesthood? I wish you joy of these conquests of freedom in the countries which you have taken under your protection. It is true that men must not always be judged by the results of their labours; but constant failure surely cannot be a test of merit. The noble Lord said that the settlement of the Belgian question was effected, although there was a disagreement between the parties to the negotiation. Of course it was; but there may be difference without alienation; and I say, looking to the state of Europe and to the mode in which our negotiations have been carried on, as well as to the hatred which the noble Lord has generated of the British name, that something more than difference exists between us and the other nations of the Continent. I ask you, therefore, as representatives of British feeling, to mark your disapprobation. I ask the House then to reflect upon the mode in which these negotiations have been carried on, and the effect it has produced on our connexion with foreign nations. There is not one country with which we are at the present moment in terms of kind and cordial friendship. The noble Lord has said, "You ask for unanimity with all other Powers, and yet the settlement of the Belgian question was made without the assent of all the European Powers who were parties to the previous negotiations of 1815." Of course it was; no one would contend that the noble Lord could, or would require that he should, conduct the affairs of this country with the perfect and certain acquiescence of foreign Powers; but there may be differences without alienation, and variances of opinion without insult. I say that, looking at the state of Europe, and recollecting the mode in which these different negotiations have been carried on, bearing in mind how the people of other countries have been flattered by supposing that the success of their cause was guaranteed by the British name, considering the manner in which these peo-

ple were first encouraged, and afterwards betrayed—how, while success appeared probable, they were backed on, and when failure was certain they were deserted—I do charge the present unparalleled condition of this country, in relation to other States, on the Minister of Foreign Affairs of this country. I ask you, therefore, as Members of a constitutional Government, and as Members representing British feelings, to mark with your reprobation that policy which not only by its sentiments and its objects, but also by its tone, has tended to lower the public character of this country, and to produce alienation from, and an aversion to, the British people and the British name.

SIR G. GREY: I feel it would be unnecessary, and almost unpardonable in me, if I were to occupy the attention of the House for any great length of time in a further vindication of the principles of that policy which has been pursued by my noble Friend the Secretary of State for Foreign Affairs, as the organ of Her Majesty's Government, of which he is so distinguished a Member. In the speech which my noble Friend addressed to the House at the close of the last night's debate—in that most lucid, able, comprehensive, and, I may add, most temperate speech, he stated and vindicated the principles upon which the foreign policy of Her Majesty's Government has been conducted, and by which it has been guided, and in which he met and refuted, one by one, the many charges and imputations which, from various quarters, and drawn from every possible source, have been made against him, for a great length of time. That speech has left little, if anything, to be added by those who follow him on the same side. When I allude to the temperate tone of that speech—a speech containing not one word which could give pain or offence; nay, not even to the bitterest opponent of the noble Lord, I must express my regret at some expressions which have fallen, I trust inadvertently, from the right hon. Gentleman the Member for South Wilts. I regret, and I think on reflection the right hon. Gentleman will regret it himself, that he should have suffered himself to impute to my noble Friend a charge of having done that which was incompatible with honour and integrity, and which must be held disgraceful as between man and man. Indeed, the right hon. Gentleman appeared himself to think that he had expressed himself in too unmeasured terms by the admission which

was afterwards drawn from him, and in which he felt himself compelled to declare that he was glad to have the opportunity of expressing in the face of the House his entire accordance with the unanimous sense entertained by the House of the high honour and integrity of the noble Lord. The question before the House is not a mere question of minute detail, it is not a question concerning some immaterial and isolated act which my noble Friend may have committed in the long course of his official career; it is not a question of any particular despatch or of any particular phrase in any despatch which may have been scrutinised and criticised by hostile eyes. This is a question of principle. The hon. and learned Member for Sheffield stated the issue truly when he said that the House was called on to decide whether the principles on which the foreign policy of this country is conducted, are such as, looking to that policy as a whole, to command the approval or merit the censure of the House. When I say that this is not a question of a particular despatch, I must for a moment notice two charges which have this evening been preferred against my noble Friend. The first is only a repetition of one made the other night—I allude to what the right hon. Gentleman the Member for South Wilts terms the wilful suppression of a despatch from the Austrian Government—the other refers to the production of a despatch from Mr. Wyse, vindicating himself with the honest indignation of an Englishman against an unfounded charge reflecting on his official conduct. With respect to the first charge, that relating to the suppression of the Austrian despatch, the right hon. Gentleman seems to have forgotten what was stated by my noble Friend the other evening, namely, that if the production of that despatch had been deemed by the Austrian Government or by its representative in this country essential to its honour and character, it might have been asked for at any period during six months. With respect to Mr. Wyse's despatch, the right hon. Gentleman seems to be ignorant that General Labitte, in a despatch addressed to M. Drouyn de Lhuys, distinctly stated—this at least is the generally received meaning of the words of the despatch, and the meaning was adopted by the public press in this country, and made matter of comment—that although Mr. Wyse knew that the bases of a convention were agreed upon between my noble Friend and M. Drouyn de Lhuys, he refused to

delay his course of action until the arrival of the next steamer, which he was aware would bring him intelligence of the settlement of the question. The right hon. Gentleman complains of the production of the despatch which Mr. Wyse wrote in answer to the unfounded charge made against him; and the right hon. Gentleman seems to suppose that my noble Friend admitted the other night that the accusation had never been made against Mr. Wyse, because it was physically impossible the basis of the convention could have been known in Athens at the time. My noble Friend did not say that it was physically impossible the basis of the convention could have been known at Athens, and on that point I offer no opinion one way or another; but my noble Friend stated that Mr. Wyse was informed, from a source on which he thought he could confidently rely, that the basis of the convention had arrived and been communicated to Baron Gros, who had concealed it from him, and, writing under that impression he penned the despatch which has been laid before Parliament. The right hon. Gentleman is wrong in saying that when the despatch was laid upon the table, my noble Friend knew it to be impossible that Mr. Wyse's statement could be correct. Far from thinking that my noble Friend is censurable for publishing Mr. Wyse's despatch, under the circumstances, I am of opinion that he would have acted a shabby and mean part towards Mr. Wyse if he had not given to the world that gentleman's refutation of what he considered to be an unjust charge, injuriously affecting his character. To return from this topic, I repeat that the principles on which the Motion before the House is based were accurately stated by the hon. and learned Member for Sheffield, as principles of policy which affect two classes of cases: first, the individual rights belonging to, and the wrongs suffered by, British subjects; and, secondly, the general interests, dignity, and honour of the country. There may be many cases affecting the general interests, dignity, and honour of the country, and of great national importance also, which do not affect the rights of individuals; but the difficulty is, that questions affecting the rights of individual British subjects, do frequently become questions which affect the interests, honour, and dignity of the country, and cannot, therefore, be treated in the way in which the claims of British subjects in Greece have been treated in this and the

other House of Parliament, but must be regarded with reference to the important, because national, principle involved in them. The real question at issue is, whether the present or any future Government of this country shall hereafter, in the assertion of the principle affecting the first class of cases, act in accordance with the limitation placed on the application of the principle which is involved in the resolution of the other House? or whether, on the other hand, it shall afford protection, in the widest sense, to every British subject, let his situation in life be what it may—let his religious creed be what it may—who, having suffered wrong in a foreign State, is unable, by the ordinary process of law, or the misgovernment of the country, to obtain redress. If the principle is to be limited, as it would be by the resolution of the House of Lords, there is an end of the confidence and trust British subjects now feel in the protection of their Government, which is the mainspring of British industry, and which is the security for the spread of British commerce throughout the world. I will not enter into the details of the Greek case, of which the House must be weary; but the right hon. Member for South Wiltshire is wrong in stating that only one appeal was made to a court of law in Greece. It was not until remonstrances were exhausted, and the Greek courts of law made the instruments, not of granting justice, but of delaying and denying it, that the British Government had recourse to its undoubted right of enforcing the satisfaction of claims which years of remonstrances had failed to procure the settlement of. I am surprised at the quarter from which the imputation on the Government proceeds. In the course of this debate repeated instances have been adduced, in which other countries have shown much less forbearance than England under somewhat similar circumstances. We have had described to us the means which France and the United States have taken to enforce claims upon other countries. It really appears as if the forbearance of England has been carried so far as to have led to the supposition that force would never be resorted to in order to obtain redress for her subjects, and that therefore the remonstrances of the British Government were disregarded. It is only in that way I can account for the surprise expressed at the conduct which Government has pursued with respect to Greece. I need not, however, refer to the conduct

of foreign nations for precedents justificatory of the course taken by the Government. I am able to quote high authority in favour of that course, arising out of an analogous case which occurred not many years ago. In March 1840, Lord Lyndhurst—and it is impossible to name him without expressing respect for the high authority that attaches to every thing which may fall from him, especially on a question of international law—brought under the notice of the House of Lords the wrongs which British merchants in Sicily had suffered from the acts of the Neapolitan Government, and urged the necessity of our Government seeking redress. Did Lord Lyndhurst deprecate resorting to force? No; he charged the Government with not being sufficiently active in enforcing the claims of its subjects. Lord Melbourne, in reply, admitted that we had an undoubted right to enforce justice; but said that, having sent a gentleman to investigate the case, he was unwilling to come to an open rupture with Naples as long as a chance remained of effecting our object by means of negotiation and remonstrance. Lord Lyndhurst's reply was pithy. He said, "that six ships of the line in the Bay of Naples would settle the business in a fortnight." The Government was not then reproached with being too active in asserting the rights of its subjects; it was not charged with being too ready to use the gigantic power of England against a weak State. On the contrary, the Government was taunted with being indifferent to the interests of British subjects, because it did not send a naval force to Naples to exact the amount due to them. The hon. and learned Member for Sheffield asked, what is the antagonistic principle which, if you condemn that on which the Government has acted, you will substitute for it? That question has not been answered yet. You have quoted and misquoted despatches—you have displayed an ingenuity in perverting facts, but I have not heard from any one an intimation of the principle of conduct in foreign policy which is proposed to be substituted for that on which the Government has acted. True, I have heard it stated, in general terms, that my noble Friend is a propagandist—that he stirs up a seditious feeling in people against their Governments; but has he been guilty of any interference in the internal affairs of foreign countries—I mean with respect to the form of their governments? Can it

be said that, since the revolution took place in France—a country in which we are deeply interested from its proximity to our own—my noble Friend has shown the slightest disposition to interfere with the form of government there established? [Mr. DISRAELI: Hear!] I suppose I am to infer from the cheer of the hon. Member for Buckinghamshire that he adopts the charge of propagandism preferred against my noble Friend. Then, I ask, which is the country with whose Government my noble Friend has interfered? I put aside the despatch with respect to Spain—I allude to an interference with the form of government established in any country. The right hon. Member for Ripon, by way, perhaps, of intimating that a difference of opinion exists amongst the Members of the Government with respect to its foreign policy, quoted an extract from a speech by Lord Howick, which the right hon. Baronet thinks contains a prospective condemnation of the policy of my noble Friend. The right hon. Baronet could not have thought the extract in question applicable to the policy which my noble Friend had up to that time pursued, because the right hon. Baronet bore honourable testimony to the integrity, ability, and other high qualities which he had perceived in my noble Friend whilst they acted together as Members of Earl Grey's Cabinet. I beg to recall to the right hon. Baronet's recollection—for we are told that a person's memory out of office is not as good as when he is in—the fierce political struggles which took place during the time he was my noble Friend's Colleague in Earl Grey's Government. The right hon. Gentleman the Member for Ripon has manfully declared his favourable opinion of my noble Friend's conduct at that period; but it was then, as now, condemned by hon. Gentlemen opposite, and my noble Friend's policy was attacked in the same spirit in which it is now assailed. Now, with regard to the extract from Lord Howick's speech, I really cannot see that it bears the construction which the right hon. Baronet endeavoured to put upon it. The right hon. Baronet said, it was the curse of a country to have an English Minister in it on the one hand, interfering with its affairs with the view of promoting what might be conceived to be English interests; and a French Minister on the other, interfering to advance what he assumed to be French interests. Intrigues of that kind, no doubt, lower the dignity of all par-

ties concerned in them. That was, however, wholly distinct from the course of the Government. But is it to be maintained that the representatives of the British Government are to be precluded on all political subjects affecting Europe from expressing opinions and tendering advice to the Courts to which they are accredited? Circumstances may arise in which it is necessary, in the faithful discharge of their duty, that the representatives of this country should express a different opinion and tender different advice from the opinion expressed and the advice tendered from other quarters to the Courts to which they are accredited. Such may be the case with respect to the Spanish marriages. It is a case which one must deeply deplore. But is there the slightest proof that the policy pursued by Her Majesty's Government tended to encourage such a state of things in Europe as had been alleged? That policy which we have pursued, and which has been ably followed out by my noble Friend, has been, to speak plainly, the opinion of the British Government, reflecting, as I believe the Government does, the opinion of the great body of the people of this country, when there is an obligation, as in the cases of Spain and Greece, to give advice, or whenever that advice may be asked by some foreign Power which wanted guidance during circumstances of unexampled difficulty. These words, "unexampled difficulty," remind me of a reference made by the hon. and learned Member for Abingdon to the terms of the resolution. He, good innocent man, occupied with his briefs, and not extending his views far beyond Westminster-hall, exclaimed—"Circumstances of unexampled difficulty during the last three or four years! Why, who has heard of any? The noble Lord in Downing-street has not been surrounded by a tumultuary mob. Let all the rest of Europe take care of themselves, and let us take care of ourselves, shutting our eyes to what is going on around us." Is that the way in which the foreign affairs of the country are to be conducted? There may be cases which touch the interests, honour, and dignity of the country, in which we are bound to take part in proceedings in other countries in which we, with the rest of Europe, are deeply concerned, and, in addition, are absolutely bound by treaty to interfere in discussions and negotiations with respect to other parts of Europe. It is under circumstances of no ordinary dif-

ficulty that my noble Friend has had to conduct the superintendence of the foreign affairs of this country. I gladly avail myself of the opportunity of avowing not only the feelings of personal regard which I cherish for my noble Friend, in common with all who have the pleasure of his friendship, not only my admiration of his untiring energy, his conspicuous ability, and the ceaseless vigilance with which he has conducted, under circumstances of "unexampled difficulty," the affairs of that office the duties of which he is called upon to discharge, but of avowing also my full and entire concurrence in the general principles which have regulated the policy of Her Majesty's Government, as carried into effect by my noble Friend. The policy of the Government with respect to foreign Powers, has been to interfere to the least possible extent, not to interfere in regard to the form of government, but to give, in certain cases, advice, in consequence of obligations previously incurred, or, where it has been asked, to give such advice as was most likely to establish tottering thrones, and to place them on a surer basis by promoting the principles of good constitutional government, which are equally calculated to serve as a safeguard against the encroachments of despotism on the one hand, and of anarchy on the other. I do not think any public man could have come out of the ordeal to which my noble Friend has been subjected, so unscathed. We have not only had every despatch out of our own Foreign Office, but the archives of other Foreign Offices have been ransacked for despatches, all of which have been criticised with minute severity—everything has been brought to bear against the conduct of affairs by my noble Friend: and I ask the House confidently whether every specific charge has not been satisfactorily and triumphantly refuted? The right hon. Gentleman the Member for South Wiltshire says he will try the principles of my noble Friend's policy by the results; he alleges that it has been attended with a total want of success. After alluding in strong terms to the gross misgovernment which prevailed anterior to recent events in Italy, he imputed to the Government that the Earl of Minto by his conduct in Italy had prepared the way for results which every lover of constitutional liberty must deplore. First, I deny the justice of the imputation on the Earl of Minto. The right hon.

Gentleman had the advantage of being in Italy when these discussions took place; he had the advantage of information obtained on the spot as well as of personal observation. But I can assert, knowing as I do the purport of the despatches from the Earl of Minto, that they were very much in harmony with the opinion expressed by the right hon. Gentleman himself; and had the right hon. Gentleman been the representative of this country in Italy at the time, the course of policy he would have pursued would probably have been identical with that of the Earl of Minto. Was the revolution at Naples fomented by any agent of the British Government? Similar events occurred elsewhere in consequence of the spirit which had spread through Italy; but had there been the advice of the British Government, to which recourse might have been had through its representative, it is possible these events might not have occurred. Were Mr. Pitt and his Colleagues responsible, in consequence of the policy they adopted, for all the events which occurred from the first breaking out of the French revolutionary war? What are the results of the policy of Her Majesty's Government? A few years ago we heard predictions of imminent peril, an almost indispensable necessity was supposed to exist for a general European war. Has not peace been maintained? I don't say that there have not been conflicts in different parts of Europe; but have not the energies of the British Government been successfully directed to averting a general European war, the greatest calamity that could be inflicted on the world? The state of Europe is infinitely better than any reasonable man had cause to apprehend on the occurrence of the last French revolution. The peace of Europe has been maintained; and I trust I am not wrong in believing that the principles of constitutional government are making progress against despotic principles on the one hand, and anarchical on the other. Having passed through such a crisis, I do believe that there is more hope for the people and the Governments of Europe, owing to the causes I have indicated, than at any former period within the recollection of any of us. It is affirmed that it is the interest and duty of the Government to maintain friendly relations with Europe. That result may be purchased at too dear a price, and those friendly relations ought not to be maintained at the sacrifice of the individual rights of a British subject, and

still less of the national interest and honour. I have stated generally the principles which have guided the Government—I have stated generally my concurrence in the principles which have guided the policy of my noble Friend. I must again remind the House, also, of what he said of this question—that it is not a narrow question with respect to a despatch, or a phrase in a despatch; the question was not confined to a question of the removal of one Minister from power, and the accession of another. That is a matter of subordinate importance. It is a question of great national interest and importance; and I trust the House, in giving the vote they are called upon to give in the present instance, will not take a course which shall lower the position which this country occupies among the other countries of the world. The question is one involving serious results; and I trust the House, aware that should the Government be censured there must be a total change of policy, will take heed how they impose on any future Government the obligation to adopt a policy fatal to the interests, the honour, and the character of this country. I trust the House will not lead other countries to believe that they may treat with indifference the claims of British subjects residing abroad, in the expectation that both Houses of Parliament will condemn a Minister, who, as representing the interests of this country, has thought it his duty to enforce those claims, and has successfully enforced them. I trust they will take these matters into their consideration, and that they will not lead foreign Governments and countries to conclude that we, whose ancestors established a free constitutional government and limited monarchy, are become indifferent to the principles of constitutional government, and have ceased to appreciate the value of institutions which are opposed to the predominance of all extreme views, as well as of principles the maintenance of which we have hitherto deemed essential to the the honour and character of the country.

MR. GLADSTONE: Sir, if I might presume to offer a general observation on the speech of the right hon. Baronet the Home Secretary, who has just addressed the House, I should say that it consisted very much less of discussion upon the particular subjects on which the House will, at the close of the debate, have to deliver its solemn judgment, than of a somewhat vague enunciation of principles, clothed

generally in an abstract form, most moderately and temperately expressed; and giving on the one hand very little occasion for dispute, but, on the other, helping us as little towards arriving at a practical conclusion. No one of us doubts that there are seasons when it is necessary to interfere in the concerns of other countries, or hesitates to profess in terms that the general rule should be to abstain from such interference. But these are mere generalities, and we must deal much more closely with the matter in hand if we desire to deal with it to advantage.

Sir, before I proceed to examine the merits of the question, I think it my duty to offer some remarks upon the position of the Government, and the constitutional doctrines which they have laid down in regard to it. A vote has been passed by another House of the Legislature, which directly impugns and censures the policy of the noble Lord the Secretary of State for the Foreign Department, with reference to his management of certain affairs in Greece. On the passing of that vote, the First Minister of the Crown makes no sign. When at length he is drawn forth from his silence by a question of the hon. and learned Gentleman the Member for Sheffield, then indeed he submits a statement to this House, and it is one which, in my view, calls for particular remark. "The Government," so said the noble Lord, "do not intend to alter their policy: they do not intend to resign their offices: they do not intend, with reference to the terms of the question put, to adopt any specific course whatever in regard to what has occurred. But at the same time," to this effect the noble Lord proceeded, "they do not dissemble that the vote of the House of Lords is an event of the gravest character; that it will have an influence on the conduct of foreign States; that it will impair the power which we ought to possess for the administration of the foreign affairs of this country." Sir, I, for one, must protest with all my might against the doctrine of the noble Lord. He is the First Minister of the Crown. He is the representative and the head of the great Whig party, with all its historical traditions; and he has come here to state that having been deprived, by a vote passed in another place, of a portion of the power with which a Government requires to be armed in order to conduct the public affairs for the advantage of the State, he and his colleagues intend to continue to be the servants of the

Crown, but do not intend themselves to take any step for the recovery of the power which they have lost.

But the noble Lord had a pair of precedents for his course, and very briefly may they be disposed of. First, he finds that in the year 1710, the House of Lords passed a resolution to the effect that England ought not to be a party to any arrangement which should leave both Spain and France in the possession of the House of Bourbon; yet that this resolution was disregarded in the Peace of Utrecht. Is that a precedent at all? The House of Lords has not now been passing resolutions upon hypothetical cases, about matters which have not occurred. When Parliament does any such thing, it does what may, indeed, under peculiar circumstances be justified; but it steps beyond the discharge of its ordinary functions into a province not primarily its own. The House of Lords has not been attempting to fetter beforehand the free action of the Government by a premature judgment; it has not been arrogating to itself any function of the Crown, to which is assigned by the constitution the office of considering and adjusting by negotiation the terms of treaties, subject of course to the responsibility of its advisers; but that House, in the regular order, having taken into consideration the actual conduct of those advisers, as it appears in the papers presented by command of the Crown, has discharged a duty which constitutionally appertains to it in pronouncing a condemnation of that conduct.

And now what was the other precedent of the noble Lord? It was the case of Portugal in 1833. In 1833 you had a vote passed by the House of Lords, which I will assume to be equivalent, for the purposes of the argument, to the recent vote respecting Greece. It was passed on the 3rd of June. On the 6th of June the same question was to be considered, at the instance of a supporter of the Government, in the House of Commons; but so far were the Whigs of that day from thinking that the House of Lords had no concern in controlling the Executive, and that its vote might simply be overlooked, that Lord Ebrington rose in his place on the 4th of June, and thought it needful to take from the noble Lord the Secretary for Foreign Affairs a specific assurance that the policy of the Administration would remain such as it had been until the House of Commons should (only two days later) have

had an opportunity of giving its judgment upon the same question.

But what says the noble Lord now? Various efforts were made to induce Gentlemen, acting in opposition to the Government, to step in to their relief. The hon. and gallant Member for Middlesex made an appeal to the hon. Baronet the Member for Radnorshire; but unhappily without effect. And then the noble Lord himself suggested to the hon. Gentleman the Member for Buckinghamshire, that he might properly make a Motion on the subject. He, forsooth: and why was he to move? The purpose was, to reinstate the Government in its constitutional position, in the possession of the powers without which it ought not to be a Government. The purpose was, to question the vote of the House of Lords, and to neutralise and destroy its effect. Was this his affair? Sir, it is not for me to speak the sentiments of the hon. Member, but if on this occasion I may attempt to divine them, I really apprehend that he was not so ill satisfied with the vote of the House of Lords as to be desirous to disturb it: but you, who are dissatisfied with that vote, you who are the Ministers of the Crown, you who know that no Ministers should conduct the affairs of the country when stripped of the power which that vote has taken away from you,—it was for you, and not for him, to invite the judgment of this House in opposition to that decision in the House of Peers. However, you would not do so; and it was reserved to a Gentleman wholly independent of the Administration, to the hon. and learned Member for Sheffield, to make the attempt at extricating the Administration from its dilemma.

Well, Sir, the hon. and learned Member for Sheffield has interposed: and now let us mark the manner of his interposition. Has he proposed a vote contradictory to the vote of the House of Lords? Has he thought it prudent to raise the very same issue here that was raised there? No, Sir, he has shifted the issue; and no man shifts the issue, in the face of the enemy, without a motive. By so shifting it, he has given an indication of that which I plainly perceive, a very great unwillingness to meet the discussion upon the affairs of Greece. Is there any dispute about this unwillingness? Why then was it that, after the hon. and learned Member for Youghal had given notice of an addition to the Motion, of such a nature that it would have directed the debate to the precise issue raised

in the House of Lords, he was urged and induced by the noble Lord at the head of the Government to abandon his intention? And again; with what benevolent view did the Member for Montrose conceive his Amendment? I invite the attention of the House to the words of that Amendment. The hon. Gentleman the Member for Montrose proposed, and with perfect consistency and propriety as coming from him, words setting forth that "this House, taking into consideration the general policy of Her Majesty's Government, are of opinion that on the whole it is calculated to promote the best interests of the country." On the whole it is calculated. Those words, "on the whole," are, I apprehend, without example in a vote of Parliamentary confidence. Let me venture to put a construction upon them. I construe the words of the hon. Gentleman in this manner; that "on the whole" means "although I am not prepared to approve of the particular policy which the House of Lords has condemned." That was the meaning of the hon. Gentleman; and he felt, and showed the feeling, that it would not be expedient to meet the discussion fairly, boldly, and simply, upon the affairs of Greece. And why was this? I am sorry to perceive that I give so much dissatisfaction to some Gentlemen. The nature of the opinions I have to express forbids me to hope that it will be in my power to please them: but if my opinions themselves are such as can hardly fail to be unpalatable, I promise to do my best to avoid rendering them more so by the tone in which they will be expressed.

Sir, I think there was a very sufficient reason for the shifting of the issue. I will not deny that it was a fair and legitimate reason, but I think it was one which ought to be placed distinctly before the House, so that no man shall mistake it or forget it. There was and is a feeling in this House that the Secretary of State for Foreign Affairs has amongst us sources of peculiar weakness, and also sources of peculiar strength. As to weakness, there exists a sentiment even among some part of the political adherents of the Administration—I will not discuss or attempt to define the extent of it, but I merely allege that it exists—a sentiment to the effect that the noble Lord, notwithstanding his distinguished abilities, is not altogether as prudent as he is able in the management of the foreign affairs of this country. Understand, I beg, that I am not presuming

to describe what are your general sentiments; but even among a portion of those Gentlemen who sit opposite, there prevails an opinion, or a suspicion, that during the times when the administration of foreign affairs is in the hands of the noble Lord, the country is too commonly apt to be near the very verge of war. I admit, on the other hand, that the noble Lord possesses likewise in this House a source of strength that is peculiarly his own. There are in this House a class of Gentlemen professing to hold what are termed strong liberal opinions, with whom the noble Lord is in the utmost favour, because they believe that he uses energetically the influence of this country for the propagation of those opinions among the other nations of the world. It unfortunately happened, however, that in the case of Greece the noble Lord did not interfere on the side of liberty against despotism. The Government of that country is constitutional, and the interposition of the noble Lord has reference not to Greek affairs or institutions—at least on the surface it has no such reference, and we cannot tell what is beneath—but to certain real or presumed rights of British subjects resident in Greece. The case of Greece, therefore, so long as it stood alone, afforded no facilities for enlisting those sympathies of propagandism, to which I have referred, in favour of the noble Lord. On this account, I argue, it was judged wise to shift and to extend the issue; to introduce other subject matter, and so to draw off attention in some degree from the specialties of the case of Greece, and to fall back upon the general good character which the noble Lord enjoys in that particular quarter of the House, on account of the belief that his main study is to promote the progress of popular opinions throughout Europe.

At any rate, Sir, it has now come to this that we have before us two great divisions of the subject, each of them very distinct from the other; each of them large enough to fill a separate debate, and the two very difficult to examine adequately together. We have, first, the cluster of questions relating to the policy of the noble Lord in Greek affairs—questions quite apart from the conflict between despotism and freedom, and from the principle of intervention considered at large. In the case of Greece, it is evident that the noble Lord could not accurately be described as having meddled in the affairs of a foreign State; that is not the charge against him:

he has, as matter of fact, been engaged—whether after a right or a wrong fashion it is for this House to determine—in giving what he calls protection to British subjects resident abroad. And there is no more important element in the whole range of the duties of a Foreign Minister, than rightly to bestow the care which is due to such persons. The first question raised for decision in the case of Greece is this—“Upon what rules and principles is the Foreign Minister of this country to proceed in securing the interests of British subjects domiciled in foreign States?” The second question, also involving most important principles, is this—“In what manner is the observance of engagements to co-guaranteeing Powers to be secured?” And we have, thirdly, the important question, a question which, if it be in strictness one of fact rather than of principle, is nevertheless one of the very first rank and moment, whether the conduct of the noble Lord, in respect to France, has been of a character well calculated to preserve the friendly relations between England and that Power, which are so essential to the wellbeing of Europe. And all these points we have to consider in the case of Greece, quite apart from the yet larger question, whether England is or is not to preserve the general policy condemned with emphasis and with justice by Earl Grey in the passage so appositely cited by my right hon. Friend the Member for Ripon.

And now, Sir, to clear my way as I proceed, and with reference to various precedents which have been alleged in this debate, I disclaim and repudiate altogether the trial of our conduct in Greece by a comparison with what other countries may have done on other occasions. At all events, I say, if we are to be guided by precedents, do not let them be either exclusively or mainly precedents of that class which exhibit the conduct of powerful States towards feeble ones, because I will venture to affirm that that is not a creditable chapter in the history of Europe; and any examples you may allege, drawn from that chapter, will do absolutely nothing towards securing in your favour the impartial judgment of posterity.

But I will say a word more particularly upon one precedent invoked by the right hon. Baronet who has just sat down, because it is taken from our own history. He cited the case of the sulphur claims urged by the British merchants in Sicily against the Sovereign of that country; and

he remarked that Lord Lyndhurst had urged the Government to exact reparation in the case of those claims, as if that were a reason why any sort of exaction might be made for any sort of claim. But what is the use of perplexing and entangling a matter of this kind by the allegation of pretended precedents that are in truth totally irrelevant? The case of the sulphur claim was founded upon the construction of a treaty: that which Lord Lyndhurst did was, to assert what it appeared was the true construction of that treaty, and to require that effect should be given to it. That was a principle of unquestioned obligation; whereas in the case of Greece, you have proceeded wholly on vague and arbitrary notions of your own, with what bearing on treaties, and on the law of nations, I shall presently proceed to show.

Now, Sir, in coming to the consideration of the various claims against Greece, I must bear in mind how largely they have been discussed, both here and elsewhere; and I shall therefore be studious to put aside, with a very few words, all those cases which are not essential to the main issue.

First, I shall put aside the case of the *Fantôme*. I fully admit and assert, that it was the duty of the noble Lord to exact an apology in that case from the Government of Greece. But, on the other hand, I am convinced that we might have had that apology without resorting to reprisals, or to any employment of force. If you differ from me, I would observe that, before resorting to the use of force, it was the duty of the noble Lord to have put plainly and categorically his demand for such an apology; but this he has never done. There is a strange and inexplicable gap in the correspondence, reaching from a date soon after the event to that very 16th of January, when this subject was summarily revived in the list of final demands upon Greece, to be satisfied within twenty-four hours. Even had he made such a demand, and had it been refused, surely, with respect to such a question, we might have been content to leave the vindication of our honour to the decision, by joint consent, of some friendly Power. My belief is, that it would not have been refused; but at any rate it was not upon this that the employment of force ultimately turned: we never had asked in plain terms for an apology, and Greece never had in reply refused one.

I shall also pass by the cases of certain

Ionians, which I know not how to designate; perhaps they might properly be called the "twenty-pound cases." If I refrain from examining them in detail, it is only because the attention of Parliament has been largely exercised in this respect already, not because I think the proceedings in them have been defensible. On the contrary, I must not pass on without these general remarks. First, that the opinion of Baron Gros in these cases is evidently against you. In the case of the two Ionians at Patras he says, that "if he had to pronounce a judgment upon it"—that is, if he were arbiter—it would be "that that claim should not be prosecuted." The second of these two cases he manifestly considers ridiculous; and of the case of the boats plundered at Salcina he says, that our claim is inadmissible. But we are engaged, it seems, in protecting the interests of Ionian subjects. Well, if that is so, surely there is one body which beyond all others is entitled to be heard, and from which we may confidently expect approval and support. There is a Legislative Chamber in the Ionian Islands; and what language do they who represent in it the people of those islands hold with reference to our obliging care of their countrymen? I will not say that they go to the full length of making a positive complaint against the noble Lord. That indeed would have been rather a bold proceeding on their part. But they render you, as you shall see, little thanks indeed for mixing up Ionian claims in your controversy with Greece. I quote from the recent address presented by them to the High Commissioner of the Islands in answer to his speech. They state that "the Assembly cannot and ought not to pass over in silence the profound grief that the people of all the islands have felt at the differences which have occurred between Great Britain and the kingdom of Greece; and the more so, because among the grounds which have given occasion for those differences, it seems that the protection of Ionian interests is alleged." You can, I think, understand the meaning of that language. The Assembly ends with calling on the High Commissioner to give them official information on the subject.

Not wishing then, Sir, to detain the House with the examination of a mass of perplexed and contradictory details, I go to those larger cases which have occupied more of the public attention, and on which the main issue unquestionably depends.

I must allude, however, among these,

to the astonishing case of Stello Sumachi, because there is no one affair of them all which more strikingly illustrates the noble Lord's method of procedure in this most important department of his duties; and I ask the House, I ask the Members of the Government themselves, whether they are prepared to justify the manner in which the noble Lord conducted his treatment of that case. Stello Sumachi, a man of no known character, and under accusation of theft, makes a complaint that he has been subjected to cruel torture. I say he was under a charge of theft—not as if this circumstance disentitled him to protection, but because it was a reason for the exercise of caution in accepting his statements. This complaint is adopted by the British Consul at Patras, and transmitted to the British Minister at Athens, Sir E. Lyons; adopted by him, and transmitted to the noble Lord. There is no sifting, no scrutiny, no resort to the tribunals in the first instance for redress. The appeal is at once made to the noble Lord; and the noble Lord, on the mere receipt of that *ex-parte* statement, without raising a question as to the trustworthiness of the person, without any reserve for what may remain to be said on the other side, without any inquiry as to remedy before the judicial tribunals—and I will dispute and overthrow every word that the right hon. Baronet who preceded me, stated on the subject of recourse to the legal tribunals of the country—having received the first intimation of the case on the 21st of August, 1846, on the 24th returns that most extraordinary reply which I could wish to read at length if it were not midnight; but I will simply recite the main allegations. He says that the British Government have learned with equal regret and surprise that this barbarous outrage and brutal torture have been inflicted by the Greek police; they had hoped that such practices "had ceased to disgrace the Executive Government of Greece;" they cannot permit such things to be done with impunity; they demand that the police officers concerned shall be immediately dismissed; that adequate pecuniary compensation be made to Stello Sumachi; and, lastly, that the compliance of the Greek Government with these "just and moderate demands" shall be reported to him by the next packet.

Now with regard to the matter of fact, whether this man was ever tortured or not, you may have formed a different opinion from that which Baron Gros formed; yet

it is due to the Greek Government that you should know what opinion was formed by Baron Gros upon the spot, with full means of information, and in his impartial position. [*Cries of "Oh, oh!"*] Yes, I say in his impartial position; and let me tell you that, if you have a due regard for the estimation in which you are to be held by the world at large, you cannot pursue a more shortsighted policy than first of all to invite—no, not to invite, but to accept—the good offices of a friendly Power, than to admit that that Power has selected a well-qualified person to be its organ in rendering those good offices, and at last, when you find that his judgment is against you, to meet with a sneer, as is now done by the hon. and learned Gentleman the Member for Southampton, the acknowledgment of his impartiality. Hear then the judgment of Baron Gros. On the 5th of April, 1850, he writes to General La Hitte, that he cannot find any conclusive testimony as to the facts, and that in the doubt in which his inquiry leaves him, he would think it his duty to reject the claim. Now, as far as I am able to form a judgment, I think it probable that some personal injuries may have been unjustly and illegally inflicted on this individual. But that is not the question at issue, and has nothing to do with it. The question is this: do you recognise it as one of the principles of the foreign policy of Great Britain—"calculated," in the terms of the Motion, "to maintain the honour and dignity of this country," and "to preserve peace" with the nations of the world—that when an *ex-parte* complaint is made, proceeding from a man under accusation of theft, to the effect that he has been tortured contrary to law, you should, without examination as to the facts, and without inquiry as to the means of legal remedy, send to a Government allied with you, and protected by you, a peremptory demand for the dismissal of the officers charged, and the payment of compensation to the complainant, and for the announcement by the next packet that both have been done?

Well, Sir, having, as I have shown, begun in violence, the noble Lord, strangely enough, shifted to the ground of reason. The correspondence went on, and an investigation took place. The noble Lord thought, and, as it appears to me, with some justice, that the investigation was insufficient; and at length he came to do what he should have done at first. Having,

on August 24, 1846, written to demand the dismissal of public functionaries, and the payment of compensation before the next packet, five months later, that is to say, on the 30th of January, 1847, he writes to Sir Edmund Lyons to require that all the circumstances of Sumachi's treatment shall be openly and impartially investigated at Patras. Nothing could be more reasonable in itself, than such a request. But what I complain of is this, that the noble Lord, instead of writing to demand examination of the case in August, 1846, and then requiring redress, if the investigation had been frustrated, in January, 1847, should have written at the very first moment a letter implying a conclusive judgment on the case, and conveying that judgment in the most violent and offensive terms, and should have been obliged in the following January to write a fresh despatch, admitting by clear implication that he had as yet had no materials for forming such a judgment, and requiring that such materials should be provided by a fresh examination.

And surely, Sir, it is by some notable and strange fatality that the noble Lord, when at length he has placed his case on a ground conformable to reason, cannot any longer keep up his interest in it, but must cease to act altogether. The agents of police, having been once criminally charged and acquitted, could not again be put upon their trial for the same offence: and after that announcement from the Greek Government, not another syllable appears in these papers with respect to Stelio Sumachi. My hon. and learned Friend the Member for Oxford, to whom, and still more to my hon. and learned Friend the Member for Abingdon, we are much indebted for having applied their great acquirements and skill to the examination of these subjects, was most eloquent on the subject of the wrongs done to Stelio Sumachi. His feelings had been much harrowed by the account of these excruciating tortures, all of which he appeared implicitly to believe, and he argued with great earnestness that such a case afforded an ample justification for the strong measures adopted against the Greek Government and people. My hon. and learned Friend was evidently under the impression that redress had been demanded and obtained for Sumachi. No such thing, Sir. Why it was that his case did not appear along with others in the list presented in a peremptory manner last Janu-

ary I cannot tell, but certain it is, that if we are to rely upon the papers which have been presented to us, no demand was then made on behalf of that person; his wrongs, which, if true, are most serious, remain to this hour without redress: if he was tortured, he has not even twenty pounds' worth of consolation, nor have the police officers charged with maltreating him been dismissed. If, therefore, the noble Lord considered this to be the case of an injured British subject, he has altogether betrayed his duty by failing to afford him protection. For this man, upon whose chest we are told that heavy stones were placed, and that officers of police jumped upon them, and upon whom other horrors not fit to be mentioned were (as it is said) inflicted—for this man, in whose case the noble Lord first made a violent and preposterous demand that was met with contempt, and next a moderate demand that led to nothing—the noble Lord has neither gained nor sought compensation; and I tell my learned Friend, who, I am sure, is as conscientious in his view of the case of Sumachi as he is known to be in all other matters, that, with his persuasion respecting the facts of it, he ought now to give his vote against the policy of the noble Lord for so gross a neglect and dereliction of his duty.

But, however, the case of Sumachi may illustrate the noble Lord's modes of proceeding, the measures ultimately adopted by him respecting Greece turn mainly on the cases of Mr. Finlay and M. Pacifico. I do not doubt that the House hears those names with alarm; and although there are a multitude of details in both their cases, which are highly instructive, and which ought to be thoroughly known, yet, at this hour, and this stage of the debate, I shall endeavour to keep the attention of the House, so far as it depends upon me, fastened only upon the principle that is involved in those cases.

There is an original vice in the noble Lord's manner of proceeding, which is made perfectly evident in Mr. Finlay's case; and I am not the less willing to attempt to exhibit it in that case, for the reason that Mr. Finlay is, as I believe, a man of undoubted respectability; or, further, for the reason that, whether he was or was not determined to have the best possible price for his land—a matter into which I do not consider that we are entitled to examine—his claim was in sub-

stance a just one. And, moreover, I will admit that the proceedings of the Government of Greece in respect to it, considered in certain points of view, were vexatious, even if they were not shuffling. But the great question which I wish to ask, and which I now seek to test by means of these claims, is the question, upon what system and by what principle are the relations of British subjects, domiciled abroad, to the States in whose territories they are so domiciled, to be regulated? Are they to be regulated by an exceptional system? Are we to place them upon a ground that the subjects of other States are not allowed by the rules of international intercourse to occupy; or are they to be governed by the laws of the several countries within which they may reside?—always, of course, with the reserve of diplomatic intervention in case those laws should palpably fail to secure for them results conformable to general justice. Now, Sir, no words that I can use could exaggerate, or even adequately express, the immense importance of this question. The subject, indeed, of the restraints of international law may not at this moment be palatable to Gentlemen whom I see sitting yonder [*on the lower Ministerial benches*]; it may not easily harmonise with their sense of their mission to propagate liberal opinions through the world: but it is nevertheless essential, now that this question has been raised, that it should be thoroughly investigated; it is vital to every other country in which British subjects reside; it is vital to the British subjects thus residing abroad, that the whole world should know upon what terms they are henceforward to afford the rites of hospitable reception to such persons, and what price is to be paid for the benefits that their residence confers.

Now, Sir, as to the general principle which governs this question, there can in terms be little dispute. I have here the citations from Vattel, who is perfectly clear upon it; but I need not trouble the House with them, because I can appeal to an authority nearer hand. I may, indeed, in passing, direct attention to the strange assertion of the hon. Member for Cambridge. The hon. Gentleman has actually laid down this general proposition—that the subjects of any given country, resident in any other country, have an absolute right to the enjoyment thereof at least as good laws as those by which they would have been governed at home. The hon.

Gentleman, I suppose, has made up his mind to this conclusion after much consideration and a due inquiry into the principles of international law and their bearings on the case. Still I think it will be found that he will have the exclusive enjoyment of such an opinion. I pass on, therefore, to the doctrine of the noble Lord the Secretary of State, which is of a very different order. He used the following words to describe the proper form of remedy for injuries suffered by such persons:—"Where the law is applicable, British subjects are bound to have recourse for redress to the means which the law of the land affords them. That is the opinion which our legal advisers have given in innumerable cases." He went on to explain that there were also cases in which there could be no legal remedy and where another remedy should consequently be sought. I am sufficiently well pleased with the noble Lord's principle; and I shall take the liberty of testing his practice by it. So also my hon. and learned Friend the Member for Oxford laid down the true principle with admirable clearness—I mean, as to the principle of law ruling the case, for I fear that I shall have to impugn his knowledge of the facts. I understand him to say, that if the law be found palpably deficient, a British subject may seek another remedy; but that he can have no other remedy whatever until he has exhausted all the means which the law affords him. That subject, of remedies over and above the laws of the country in which as a foreigner you reside, is one of the utmost delicacy; but I need not discuss it here. I contend, that in the cases before us, Mr. Finlay and M. Pacifico did not exhaust, nor try to exhaust, the remedies which the law of Greece supplied. My hon. and learned Friend says, his general rule is not applicable to Mr. Finlay's case: while he was eloquent upon the necessity of our making ourselves acquainted with the papers by a careful perusal, he too plainly showed that his various avocations had not left him time for such a perusal. For my hon. and learned Friend actually assured the House that the Greek law was not applicable to the case of Mr. Finlay, and that the Government of Greece itself did not refer him to the tribunals. Now, Sir, on the contrary, there is not, I think, a single letter from the Greek Government in regard to Mr. Finlay's case, where they do not distinctly and pointedly intimate that

the tribunals were open to him, and that to them he should have repaired. I will not trouble the House with reading the passages; but, in order that there may be no mistake, you shall have that which is the material point, namely, the references to them in the books which many Members have at hand. The first is at p. 16 of the February Papers, dated February 19th, 1846. The second at p. 23, date November 4th, 1846. The third at p. 5 of the additional papers on this case, date August 30, 1848. And the fourth at p. 40 of the February Papers, date November 21, 1848. In every one of these places, the Greek Government pointed out, in language which I defy my learned Friend to mistake, that Mr. Finlay's proper recourse would have been to the tribunals. And so it would: for the Greek law, as I am informed, permits a private person to sue the sovereign: I believe through the medium of one of his officers. But did Mr. Finlay have recourse to the tribunals? ["Hear, hear!"] I understand your ironical cheers. You mean to say, "It was very well for the Government of Greece to refer him to the courts of law; but we do not believe he could really have gone there." Then I will show you that Mr. Finlay himself admitted that he might have gone there. ["No, no!"] If you deny it, I am afraid I must read from Mr. Finlay's own letter for the purpose: and you will see that he advances special reasons, not why he could not, but only why he should not, go before the tribunals. [An Hon. MEMBER: Hear, Hear!] Is the hon. and learned Gentleman, who was loud in expressing his dissent when I asserted that the tribunals were legally competent to try the case, is he now going to ride off upon the feeble and evasive pleas, that, although they may have been competent in point of jurisdiction, yet there were other reasons which rendered it inexpedient that Mr. Finlay should go before them? With those other reasons I will deal presently; but in the meantime I say, that whatever they may have been, if the tribunals were competent by law to try the case, then at all events, in order even to give you the basis of an ulterior claim in any other form, Mr. Finlay was absolutely bound to go before them. If the tribunals were open, and if Mr. Finlay would not plead before them, the case of the noble Lord against the Greek Government, so far as that gentleman is

concerned, is unsound from the very bottom. If the tribunals were corrupt, it was his duty to go before them, and then to allege and show their corruption; if they were feeble, to show their weakness: if their jurisdiction would only cover part of his case, it was his duty to apply to them for that part, and then, in claiming diplomatic intervention, to show in what point they had fallen short. There may be, and no doubt there are, inconveniences and disadvantages in the operation of this principle; but it is the principle of the law of nations; and it is the only principle on which you can conduct with honour or with safety your charge over British subjects dispersed through all the States of the civilised world.

In his letter, dated September 4, 1848, Mr. Finlay says—

“And with reference to my now carrying my claim before the Greek tribunals, M. Colocotroni is aware that any action I can bring must pass over the arbitrary seizure of my property.”

One word upon the fact of the arbitrary seizure. I may admit it for argument's sake; but it is far from being clear, as it appears that Mr. Finlay, on behalf of himself and others, signed a petition of inhabitants of Athens to the King of Greece, offering to cede to him their lands at the very low price of twenty leptas a pic: a price much lower than the inadequate price afterwards offered by the Government. If I admit the arbitrary seizure, I am admitting what Baron Gros declined to admit. Now, the arbitrary seizure is assigned by Mr. Finlay as his first reason for not going before the tribunals. The noble Lord the Foreign Secretary had stated, and in my opinion justly stated, that Mr. Finlay was entitled to compensation, first of all for the value of his land, according to what it was worth at the time when it was taken; secondly, to something by way of addition, in consideration of its having been taken from him without his consent. Now, I say, that if the tribunals were competent to award to him the value of his land, as I conceive that he admits, but not competent to make any compensation for the compulsory purchase of it, it was his duty to go into the courts, to obtain from them the value of the land; and then, if he thought fit, to invoke diplomatic aid for the purpose of obtaining for him anything beyond, which law might be unable to give him, but to which he might plainly be entitled in point of justice.

The second reason which Mr. Finlay assigns is this:—

“M. Colocotroni knows that the expense and delay attendant on bringing a case before the courts of law between a foreigner and the Crown for damages, when the wrong was inflicted prior to the Revolution of 1843, is tantamount to a denial of justice for the present.”

Sir, for my part I was not aware that any legal question, especially any one pertaining to the possession of land, could be tried without some kind of expense and delay; and more especially I have never been fortunate enough to hear of any delay in a matter of law, which did not amount to a denial of justice to the suffering party for the time while it continued. What, however, I wish the House to observe is, that the second reason alleged by Mr. Finlay himself for not going before the courts, proves, like the first, that he might have gone before them if he had thought fit.

And now we come to the third reason, Mr. Finlay's only ultimate reason, as he himself intimates, for not applying to the Greek tribunals. He says—

“I cannot equitably be called on to sue the Greek Government in its own courts, so long as it retains the power of changing the judges from day to day, a power which the Government of Greece has often used in a suspicious manner, as, I think, you are well aware.”

If, Sir, we are to say that on account of the circumstances that the Greek judges hold office during pleasure it was warrantable for Mr. Finlay to decline the jurisdiction of the courts in which they sit, let us at least consider, before we accept that doctrine, how far it will carry us. I ask to be informed how many countries there are on the continent of Europe in which the judges do not hold office during pleasure? We ourselves enjoy, in the united kingdom, the advantage of a bench of Judges independent of the Executive Government; an advantage which was the rather late result of experience and advancement in the practice of constitutional government. I am informed that in France a portion of the Judges, but a portion only, hold their offices during good behaviour. I wish to know from Her Majesty's Ministers in what other country of Europe that state of things does not prevail, which it seems is, wherever it prevails, to justify our departure from the general principle of international law, as in Greece? But why do I speak of other countries? I look to the empire of Great Britain: at this moment the head of the Judicial body in

England, and in Ireland, the Lord Chancellor, holds office during pleasure; and I ask you, would you permit a foreigner to demur to his jurisdiction upon such a plea? What, again, are foreigners to do in the colonies of this empire? Throughout their vast extent I suspect that, unless it be Canada, you will find scarcely a single exception to the rule that the judges hold office during pleasure. They are liable to be dismissed, often by the petty head of a small community, and subject to no other review than by an officer of State sitting in Downing-street, at a distance of five or ten or fifteen thousand miles. And what should we say, if a foreigner domiciled in the colonies were to refer to the diplomatic agent of his country for the prosecution of his legal rights, on the ground alleged by Mr. Finlay, that the judges are not appointed for life?

I conclude that this House will not be of opinion that there is to be one rule for the weak and another for the strong, and that, because Greece is a kingdom of small extent and resources, therefore we are to establish for resident Englishmen immunities as against her, which we should not claim from Russia, or from Austria, or from France, and which we never should concede, as against ourselves, to any Power upon earth.

And if this be so, then, after what has been stated, I fearlessly assert you cannot excuse your not having required a recourse to the courts of law before using force, in the case of Mr. Finlay, by the particular tenure of the judicial office as it exists in Greece.

But there may remain another plea. You may be inclined to say that the tribunals of Greece are practically so corrupt that these cases could not with propriety be taken before them. I reply, it is too late to put that plea: you have entirely precluded yourselves from employing it. My chief witness and authority is the Eleventh Article of the Treaty which you have concluded with Greece. Now recollect, I pray you, what is the position of the noble Lord. He has to prove that he is entitled to take the causes of British subjects domiciled in Greece out of the cognisance of the ordinary tribunals, to pass by those tribunals altogether, and to prosecute those causes by means of diplomatic intervention. But let us turn to the terms of this treaty, which define in a mode the most specific and distinct the footing on which the subjects of each country are to

be placed, when residing in the other, with respect to the redress of their private wrongs. The article runs as follows:—

“Throughout the whole extent of the territories of each contracting party, the subjects of both shall enjoy full and entire protection for their persons and property. They shall have free and easy access to the courts of justice in the prosecution and defence of their rights, and shall be at liberty to employ the lawyers, attorneys, or agents, of whatever denomination, whom they may deem the best qualified to maintain and defend their interests.”

And now I beg the particular attention of the noble Lord the Secretary of State for Foreign Affairs to the succeeding words; because they appear to me to have been most unhappily absent from his recollection during these proceedings:—

“It being understood that they shall conform in this respect to the obligations imposed upon native subjects by the laws of the country. In all all that concerns the administration of justice, they shall enjoy the same privileges, rights, and franchises that belong to natives.”

Is it then in the case of Greece that we shall arrogate an arbitrary power to pass by and ignore the courts of law, to be our own witnesses and our own judges and jury, to decide our own cause and assess our own damages, and to enforce what we may choose to call our grievances by the use of military means, after we have thus solemnly bound ourselves in the face of Europe and the world by the clear declarations of a treaty, that our subjects in Greece shall stand, with respect to all matters touching the administration of the law, and touching the tribunals, in the same position, with the same rights, as natives of the country? I seriously put it to the House, that the noble Lord, by the course he has thought fit to pursue, has not only violated the general law of nations, but has infringed the particular obligations of a treaty with Greece. And yet that treaty is a treaty of the year 1837, and the name which is attached to it on the part of England is no other than that of “Palmerston.”

But again, what do others say, what does Mr. Finlay himself say, respecting the Greek tribunals? And here I pause for a moment to remark, that I am a little surprised at the extreme severity with which the institutions of the kingdom of Greece are criticised in this House. I should have hoped to find here some stronger sense of the difficulties which beset the way of a State struggling towards the enjoyment of freedom, something more approaching to sympathy with the people

of Greece. Nor can I think the more highly of the political wisdom of a noble Lord opposite, the Member for Aylesbury, because he smiles with some derision when I refer to those institutions. But if you tell me that bribery is used to facilitate the movement of the wheels of State in Greece, where there is a representative constitution not yet seven years old, I must ask you how long it is since this House of Commons was tainted by bribery, and whether more than two or at the utmost three generations have elapsed since the wholesale employment of it was almost a recognised element in the government of the country?

But, Sir, though the tribunals of Greece, like those of many continental countries, may not be altogether free from stain, yet it is a gross error to suppose that they are radically corrupt; and it is right that she should have the benefit of the testimony which has been borne in their favour by no less a person than Mr. Finlay himself; in words, let me add, which seem to me to do him the utmost honour for his manly avowal. He says, in the letter from which I have been quoting—

"It is true that the Greek tribunals have so nobly defended the liberty of the press and the rights of the Greeks on many occasions against the Court and the Government, that I should feel great confidence in their equity in any case that could come fairly under their cognizance, if the judges were named for life."

["Hear, hear!"] What! are you by those cheers again attempting to recur to a position you have been obliged to abandon? It has been shown before, that you cannot with decency, to say nothing of justice, enforce your claims by extralegal means against Greece on the ground that the judges are not named for life, unless you were prepared to enforce a similar law against powerful States, and to address to them the same imperious language: "We refuse the jurisdiction of your courts, and will proceed through the medium of diplomacy, directly backed by the strength of our armaments, in every case where our subjects have a claim in law or equity to adjust." And it has now been shown, out of the mouth of Mr. Finlay, that neither can you take your stand upon the plea that the tribunals of the country are unworthy of confidence from their corruption.

But you shall have yet other evidences, the evidence of Sir Edmund Lyons himself, who, in his despatch of the 24th of February, 1836, writes thus to the noble Lord: "The press is unshackled; the tribunals are completely independent."

I am assured, by what I consider excellent authority, that we underrate the civilisation of Greece, so far as that depends (and it must greatly depend) upon the regular and professional study of law. There is, I believe, a flourishing law school in the University of Athens: there is a regular system of judicature, a regular course of appeal through three courts; and the highest of these, the Areopagus, is one of which the judicial sentences have never been tainted by the breath of hostile accusation. If such be the tribunals of Greece, how far are they from showing that entire and palpable inability to do justice, which it would be absolutely essential for the vindication of the noble Lord to prove.

But there is another point of great importance with respect to Mr. Finlay, on which I must beg you to give me an answer. In October, 1849, arbitrators were appointed by mutual consent to settle the claim of Mr. Finlay. Why had not that arbitration been concluded before January? And why in January was it not allowed to proceed? You will tell me, perhaps, that it could not proceed in January because the law of Greece only allows a period of three months for arbitrations, and that period had expired. But Sir, I am informed by a gentleman of high respectability, holding a professorship in the University of Athens, that, although the fact does not appear in these papers, the Greek Government had offered, before the demand of Mr. Wyse, to waive its privilege of cutting off the arbitration, and to concede another term of three months for it. If this is not true, let it be contradicted. If it is true, as I believe, you had not the shadow of a right to resort to reprisals in order to enforce Mr. Finlay's claim. But again I ask emphatically, why was it that the arbitration had not before the month of January reached its close? On this point I complain very much of the indistinctness of the papers before us. I think Mr. Wyse says the want of progress was chiefly owing to the Greek Government: yet Mr. Finlay appears to me not to commit himself fully to that allegation. But however that may be, I beg the House to observe that Baron Gros, who is a man of character, and has acted as the representative of France, and whose word, I presume, will hardly be disputed on a matter of fact, states most distinctly that the reason why the arbitration had made no progress was this: that Mr. Finlay, who

was the complaining party, and whose duty it was to make his case before the arbitrators, did not produce the necessary documents and proofs of his claim. The words of Baron Gros are to this effect :—

“The act naming the arbiters was signed before a notary on the 6th of October, 1849.”
“However, no step onward has been taken. Mr. Finlay did not put the arbitrating tribunal in possession of information on the affair it is to decide, and all remains in *status quo*.”

Do not therefore allege that it was the Greek Government which threw impediments in the way of the arbitration; for Baron Gros, representing what I shall presume to call the impartial agency of France in their affairs, distinctly affirms it was owing to Mr. Finlay. Upon the cause I scarcely venture to speculate; yet, considering in retrospect all that has occurred, it is difficult to help supposing that Mr. Finlay had, in the autumn, some glimpse of the likelihood that a British armament might shortly appear near the Piræus, and that more favourable terms might be obtained for his land by negotiation under the guns of that armament, than by the more usual method that had been agreed on; and that in consequence he was not over-anxious to press matters to a conclusion before the arbitrators.

I come, however, now to the much more serious and much worse case of M. Pacifico. I shall again endeavour to avoid the vast mass of detail which this case comprises, because I hold that it must stand or fall by the principles applicable to the case of Mr. Finlay. Had you the power of repairing to the courts of law for the reparation of the injury which he had suffered? If you had, did you avail yourself of that power? Otherwise you had yourselves alone, in the main point, to blame, and had no right to employ diplomatic agency for an end which *non constat* but that the regular course of law could have attained.

M. Pacifico's principal claims were two. The first was for the sacking and plunder of his house: and that there may be no question as to my view of such proceedings, I at once declare that a detestable and execrable outrage was committed upon him. Any attempt to palliate that outrage I cannot make. Further, I freely and entirely admit to you that the character of M. Pacifico does not matter to us one straw when we are considering his title to protection or to compensation, and that we must proceed to vindicate it in precisely the same manner, whether he be

the best man or the worst man in the world. But at the same time I differ altogether from those who say that we have nothing to do with his character in this matter as it stands. I wish with all my heart that I could have avoided it: I do not find it a very agreeable subject to rake into.

Then there is again the point of his religion. We are told by the supporters of the Motion, that M. Pacifico is reviled, and injustice done him, because he is a Jew: but I do not hear any of its opponents found themselves on his religion as a reason either for oppressing him or for mistrusting him. I say fearlessly, whatever may be the differences of opinion in this House as to the admission of Jews to political privilege, that no person could dare to stand up among us and allege his religion as a ground for mistrust or for the denial of justice, without drawing down upon himself, from all quarters of the House alike, universal scorn and indignation. But M. Pacifico himself has compelled us to consider rather narrowly the question of his character, because the whole of these enormous claims on his behalf—claims amounting to something like 30,000*l.* or 31,000*l.* out of a total of 32,000*l.* or 33,000*l.*—the whole of the allegations respecting them—which are of a nature, as I think, to strain to the uttermost the credulity of any man living—rest altogether on his personal credit. There may be one or two exceptions to such a remark, but they are so trivial and insignificant as to be little worth even this passing notice. It is not, with these trivial exceptions, upon the faith of documents, not upon the faith of independent testimony, but upon this person's individual word, that Sir Edmund Lyons accepted—as in every case indeed he accepted from others, and in my judgment deserves the serious disapprobation of this House for having so accepted—the allegations, wholesale as they were made, and transmitted them without distinction or inquiry to the noble Lord; upon which the noble Lord, adopting them in the same inconsiderate and partial spirit, endeavoured to force them wholesale on the Government of Greece, so that in effect the unsupported allegation of M. David Pacifico has been the prime and main mover of the operations of the British fleet against Greece.

Well then, Sir, we are bound to examine into the value of these allegations, as they are connected with the character of the

party. And, first, I think it my duty to remark, that ten days ago a statement was made in terms the most distinct, before a full and distinguished concourse, and with the utmost notoriety, to the effect that a certain David Pacifico, of the same domicile, creed, and nation, with our David Pacifico, did forge a bill for 600*l.*; and the identity of the party was at least suggested. Was not that statement, thus openly made, susceptible of contradiction? ["Oh, oh!"] Do those Gentlemen who cry "Oh!" mean to express their horror at the forgery of the bill—in which case I will cry "Oh!" along with them—or at the notice taken of it, in which case I cannot? Sir, I say it is a legitimate, and not only a legitimate, but a necessary matter for notice. I say this statement is a presumption, and, not having been denied, has become a strong presumption, though I do not say, even now, it is a demonstration, against M. Pacifico: and I say further, this is no question of holding a man innocent until he is found guilty—the people of Greece have been found guilty and mulcted on M. Pacifico's allegation, and he has received some hundred and forty thousand drachmas of their money, than which I take leave to say a greater iniquity has rarely been transacted under the face of the sun. If a man against whom there are *prima facie* reasons for questioning his credit, comes before the Government of a State, and founds upon that credit enormous demands, to be enforced by military means against a friendly nation, I say it is your duty to dispose of those presumptions against him before you proceed to act upon his uncorroborated allegations. This charge then, it seems, has not been denied; and if there was power to deny it, the fact that it has not been denied appears quite inexplicable.

But, Sir, without resorting to a single hostile testimony, the very papers presented to us on behalf of M. Pacifico contain, in my judgment, too many presumptions of the same kind. And though his being a Jew is not a reason for debarring him from any of his just rights, yet neither is it a reason for exempting him from inquiry to which other persons would be subjected, irrespectively of their creed, under similar circumstances. Now, I ask the question, whether any one man in this House has read the celebrated inventory of M. Pacifico's furniture and effects, without finding that it bears on the very face of it all the proofs of gross, palpable, and

wilful exaggeration? It is declared by Baron Gros, in language by no means too strong, to be a "deplorable exaggeration." It recites the great values of the articles of his furniture; and then the learned Member for Bath thinks that he has solved the difficulty by telling us that he has been to some upholsterer in London who said he could easily make a couch worth 170*l.*, or even more. This is rare simplicity. Yes! no doubt many a London upholsterer could make a couch worth 170*l.*, and could get him a chest of drawers worth 53*l.*, a carpet worth 60*l.*, a card-table worth 24*l.*, two mirrors worth 120*l.*, and a bed worth 150*l.*, and so forth: no doubt he could also purchase at shops in London of another class a china dinner-service worth 170*l.*, and two tea and coffee services worth 64*l.* All these could be bought in London: you may find such articles in shops, and you may find some of them in private mansions, but then they are found inside the houses of men who outside those houses have 20,000*l.*, 50,000*l.*, or 100,000*l.* of income by the year. Then again you find recited as having been in the house of M. Pacifico all these articles and many more besides of the same high relative values, and the very first thing which must occur to a reader of that catalogue, and strike him as utterly marvellous, is, that he had not only the finest furniture and finest clothes in his house, but had no other kind of clothes or furniture. There was not an ordinary article of either from the top to the bottom of his house. Everything in it was a specimen of the richest and the rarest of its kind. When I first heard this statement made in another place, I confess I thought it must have been a figure of rhetorical licence; and the House cannot now learn with more surprise than I did when I examined the document for myself, that the whole appliances and appointments of the mansion of Pacifico were characterised by this astonishing luxury. And yet this man, who thus surpassed nearly all subjects and equalled almost any prince, according to his own account, in many articles of luxury, who has 5,000*l.* worth of clothes, jewels, and furniture, in his house, had not outside of it, except plate pledged to the Bank of Athens for 30*l.*, which he had not been able to redeem, one single farthing! The subject of M. Pacifico's claims may be a tedious one to the House, it has been so frequently under their notice; but I venture to express the opinion that the details of

them, as they are contained in these volumes, would really afford no bad material for some ingenious writer of romance.

So, Sir, having his house crammed full of fine furniture, fine clothes, and fine jewels, M. Pacifico was in all other respects a pauper: but this is not all; it is plain that his furniture, as he has described it, was massive and solid in the highest degree. And yet we are told of its disappearing, its being broken to pieces and destroyed. It is not pretended that fire was used, but that a mob came into his house, and in an hour and a half, or, according to other places of the book, in three hours, destroyed these solid masses of mahogany. Why, Sir, they could not without fire thus have destroyed such articles, unless indeed they had eaten them. Sir, the whole statement bears on the very face of it outrageous fraud and falsehood. A man with this large mass of property in his house, carries on the trade of a money-lender upon a borrowed capital of 30*l.*, and when his furniture is destroyed declares that he has not an *obolus* wherewith to buy his bread. No such case ever existed.

But, besides allegations, there is, as I have said, some small documentary evidence produced by M. Pacifico. Let us use this evidence to test his character. The documents to which I shall refer are two. Never, until long after the fact—after you had used force against Greece—after Baron Gros had arrived at Athens—but then, at length, in order to overcome the incredulity of Baron Gros, M. Pacifico was desirous to produce evidence as to the value of his furniture. Well, Sir, he produces, for one, a certain Signor Giacomo Capriles—evidently a man of high dignity, for, as he says of himself, “the Chevalier (Pacifico) had selected him to conduct his correspondence as his secretary, especially with the Minister at Lisbon;” that is to say, Sir, in plain but, I trust, not profane language, Signor Giacomo Capriles was a consul’s clerk. But Signor Giacomo Capriles set forth, that while he moved in this sphere of dignity, he enjoyed opportunities of “becoming acquainted with the noble and splendid mode of life practised in the house” of M. Pacifico. You will, therefore, observe that this evidence bears out M. Pacifico’s own representations. Before he was ruined by the Athenian mob, he was, by his own witness’s testimony, practising a noble and splendid mode of life. Now, I turn to the second document; and I must observe, that the

Chevalier Pacifico has done wisely and well to eschew the production of much documentary evidence, and to trust to copious assertion; for even in the few documents he has ventured to produce there is self-contradiction. At the time when the fleet of Sir William Parker commenced its operations against Greece, you had had but one real document before you—for I cannot dignify with that name certain copies of letters certified, as Baron Gros says, only by M. Pacifico himself—and this was a notarial protest which he had lodged in Athens against the Portuguese Government on the 4th of January, 1845, for not paying him 26,000*l.* Now, in this document he himself speaks of his own condition and circumstances at the time to which the evidence of Capriles, cited already, referred; and what he says is this—by withholding payment of these claims “the Portuguese Government have left me in indigence in a foreign land!” So much for his veracity—for the trustworthiness of the man, upon whose unsupported allegations you have proceeded to violence against the Greek Government and people, and into whose character on that account, I say, it was both my right and my duty—and a nauseous and revolting duty it has been—to examine.

Well then, Sir, having this monstrous and wilful exaggeration in his hands, did M. Pacifico, or did he not, go before the tribunals, and exhaust the remedies afforded by the law, before betaking him to diplomatic aid? Sir, upon this point my hon. and learned friend the Member for Oxford, I must take leave to say, fell into serious error, for he entirely overlooked the distinction between the criminal justice of the country, which punishes offenders, and its civil justice, which gives redress to those who have suffered by the offence. M. Pacifico has indeed taken in some of us by his allegation that he went before the tribunals. It is true that he went, on the day of the riot, to the Procureur du Roi, and moved him to institute an inquiry; but this inquiry had reference exclusively to a criminal prosecution, which had nothing whatever to do with civil redress. Had this prosecution been pushed with the utmost vigilance and rigour, and every one of those rascals who sacked his house been well punished, as they deserved to be, for the outrage they had committed, that would not have mended M. Pacifico’s furniture, nor relieved his beggary. He called in the Procureur du Roi just as in

this country he might have called in the officer of police; but the officer of police could have done nothing towards replenishing his empty purse. But why did these criminal proceedings fail? It is alleged by M. Pacifico that the Greek authorities were unwilling to pursue the inquiry; and, I confess, I think it would have been more to their honour if they had prosecuted it with more vigour, notwithstanding the apprehensions which they might have entertained of any fresh outbreak of popular fanaticism. But, on the other hand, I find no evidence that M. Pacifico himself gave them the aid which he might have afforded. The main question, however, is, could he, and did he, betake himself to the courts of law for civil redress? Of those who attacked his house in a tumultuous assemblage, each one, I apprehend, was fully liable for the acts of the body. Now, Sir, I challenge contradiction, when I say that M. Pacifico took no step whatever to obtain civil redress. He gives his pretended reasons—he states that he saw a great number of persons, some of them soldiers of the gendarmerie; some of them belonging to families of wealth and station, particularly the sons of a Minister of State, who, as the noble Lord the Foreign Secretary tells us, were not children, but young men of eighteen or twenty; but a portion of them, as he alleges, were so poor that it would have been useless to proceed against them with a view to obtaining damages, and the rest were so rich and powerful that it would have been hopeless to expect a decision against them from the courts. But he does not deny that it was in his power to institute a suit against these rich persons, whom he alleges that he saw, before the tribunals. Why did he not do it? If he was poor and despised and a Jew, would he have had no aid from the British embassy? Could not the purse of this country have been freely opened if necessary, and the weight and influence of this country have been freely used in his behalf in the path and by the methods of law, to obtain for a man who had suffered under an execrable outrage some reasonable redress? No, Sir, there was a foregone determination not to call in the aid of the regular tribunals of the country. It was too notorious that all such complaints as these, be they what they might, and proceed they from whomsoever they might, were received without any scrutiny, as they arose, by the British Minister, transmitted by him bodily as they stood to

the noble Lord, accepted in like manner by the noble Lord, and then returned in the form of official complaints and demands against the Government of Greece.

And I must beg the House to hear what were the sentiments—I think, in the main, the just and reasonable sentiments—of the Government of Greece, with respect, not merely to the detail, but to the principles of this case; for it is true that they objected in principle, not to the claim for redress, but to the lodgment of that claim against the State in the first instance. M. Colocotroni wrote in these terms on the 28th of July, 1848, to Sir Edmund Lyons:—

“ You perceive, M. le Chevalier, that I do not enter upon the merits of the case; it would not be competent for me to do so. That which one of my predecessors has maintained, that which I also think, is, that in order to give compensation, it is necessary that there should first be a sentence of court; then, that the decisions of the judicial authority should not in their execution have been sufficiently supported by the competent authority; and that the injured party should have no other resource save the interference of his representative, in order to obtain what a sentence had awarded to him. Diplomatic interference would in that case be well founded and expressly authorised by the law of nations. Let M. Pacifico then fulfil these indispensable formalities; let him do what he ought to do; and then he may be sure that his complaints will be listened to, and that the King's Government will interpose no delay in granting him, from the proper quarter, the compensation which may be due to him.”

But steadily, and from the first, M. Pacifico eluded going before the tribunals, where his allegations would have been sifted and his fraud exposed; and he was abetted in this mode of proceeding by the British Minister. On the 4th of April the outrage happened; on the 7th M. Pacifico invoked the aid of Sir Edmund Lyons; it will hardly be contended that within those three days he had tried what the law could do for him, and had found it fail. One last authority I will quote to you, to prove that the Greek Government were right, and that he ought to have gone into the courts of law; a high authority; the authority of the Secretary of State for Foreign Affairs. On the 12th of October, 1847, M. Pacifico produced a story of another outrage, all appearance twin brother to the first. Having said this, I need not give the details. It was received, adopted, and transmitted, by Sir E. Lyons, in his invariable manner, without scrutiny or question. But when it came to the hands of the noble Lord, he returned this, as I

think, most proper and reasonable reply ; it is dated December 18, 1847 :—

" I have to instruct you to cause a prosecution to be instituted against the offenders, in the name of M. Pacifico, but at the expense of Her Majesty's Government."

That letter, when received at Athens, instead of being obeyed, was simply referred to M. Pacifico. In this case, as you see, which, trumpery as it was, had the aspect of exact resemblance to that of April 4, the British Minister was ordered, on his own responsibility, to institute the suit, to choose the counsel, and to back, of course if necessary, with the dignity of his position, an effort to obtain justice in the regular course. But M. Pacifico was not to be seduced ; he well knew where his best market lay. He wrote to the British Minister to say there was not one, no, not one member of the Greek bar who would dare to take up the cause for the poor despised Pacifico. This is strange enough : it is yet more strange that Sir Edmund Lyons actually returned this false and irrelevant plea of M. Pacifico as his sole answer to the positive orders of the Secretary of State : it is most strange of all, that the Secretary of State, upon receiving this most irregular and improper answer, acquiesced in it, and from that day to this we hear no more of resorting to the Greek tribunals.

Now, Sir, I simply allege, quoting the authority of the noble Lord, as shown in his directions with regard to the mock affair of the 12th of October, that the same course ought to have been enjoined and enforced with regard to the real affair of the 4th of April ; and I add, that if, in conducting the foreign policy of this country, we are to pay no regard to the laws and the tribunals of other nations, we have no title to expect that they shall pay any regard to ours.

Sir, as to the second main claim of M. Pacifico, that in respect of certain documents which, as he asserted, proved his demand upon Portugal, I cordially subscribe to the language of Baron Gros on the 19th of last March ; it is not even of a nature to bear discussion. It is a claim for no less than 26,000*l.*, alleged to have been due for a great number of years, for some twenty years, more or less ; with respect to which, as Baron Gros observes, this British subject had never once invoked the aid of the British Ambassador at Lisbon. We are told, indeed, that with a singular irregularity he had once asked

Sir Edmund Lyons to write to Sir William Parker about these claims : Sir Edmund Lyons did it ; but Sir William Parker, then in the Tagus, knew his duty better, and replied (we are told), that the time was not convenient for naming them. The noble Lord, indeed, on receiving the account of this monstrous demand, of which Sir Edmund Lyons, in his usual fashion, said, " I have every reason to believe that M. Pacifico's claim is just and proper," was a little staggered, and gently suggested that the claimant ought to produce some documents or testimony, or, at all events, to make a clear statement of particulars ; but he remains contented with the trumpery reply, that the documents had been scattered by the war in Portugal, or destroyed in the pillage of his house. But Baron Gros makes this observation, and I submit that it is quite unanswerable :—

" Since M. Pacifico protests, in 1845, against the Portuguese Government, that it has not ' yielded to his reasonable demands,' there must necessarily exist in the archives of the Office of Foreign Affairs, or in that of the Finances at Lisbon, a demand for liquidation transmitted thither by M. Pacifico, and by consequence an authentic copy of the documents which served to establish his right, and to make good the value of his claims."

But yet, Sir, notwithstanding not only the absence of positive proof, but every presumption of falsehood and imposture, these enormous demands have been adopted by the Government of Great Britain, the naval power of Great Britain has been put in action to enforce them, and they have been urged, too, upon Greece in their entirety. [Viscount PALMERSTON expressed his dissent.] Yes, Sir, in their entirety. The noble Lord tells Sir Edmund Lyons, on the 2nd of February, 1848, that he had judged rightly in making a general demand for the whole upon the Greek Government, leaving it to the Greek Government to disprove any portion of it if they could. The noble Lord may shake his head ; but that motion, however potent, will not remove written words from off the pages of the volumes that he has laid before us. These claims, I repeat, were urged without abatement by Mr. Wyse in his peremptory demand of January 16, and these were enforced by the action of the fleet. I do not say that a readiness to reduce them has not been declared at a later date ; but I quote the very words used by Mr. Wyse so lately as the 8th of March, 1850, nearly two months after the

use of force, when he relates his first interview with Baron Gros, and says of all the claims in common—

“ I begged it to be distinctly understood, that I had no instruction to go into any discussion as to the nature or amount of these claims, or any authority to make any concessions or modifications.”

And now I think the noble Lord will not shake his head again, when I affirm before this House, that this huge imposture was adopted in the mass : that it was placed as it stood before the Greek Government among those demands which they were required to satisfy within twenty-four hours : that it constituted of itself something like five-sixths of the entire demand upon Greece : and when I support this assertion by a reference to the amount of seizures made by the fleet, because, while the whole of the other claims did not reach more than some 6,000*l.* or 7,000*l.*, the value of all the seizures made, as far as it can be estimated by an average founded on the valuation of those at Corfu, was for the forty-one vessels, without reckoning cargoes, about 82,000*l.*

Sir, I assure the House that I turn from this subject with a relief and satisfaction as great as theirs.

I have thought it right in a case of this serious nature to make the charge against the noble Lord as clear, definite, and circumstantial as possible. I do not wish to insinuate anything ; my desire is only to meet the noble Lord in open warfare ; and if we, who are now in conflict with him, were capable of entertaining any different wish, I must say that the manner in which the noble Lord himself has fought his battle in this House, would have set us the example of the spirit and the temper in which we should proceed. I therefore thus sum up my complaints of the noble Lord in terms the most explicit : I affirm, first—and this I have illustrated particularly by the case of Stello Sumachi—that your demands, even if they had been just, were urged in a tone and manner wholly unjustifiable. I affirm, secondly, that you urged as just, and that upon a State both feeble in itself, and specially entitled to your regard as one of its protecting Powers, demands which bore upon the very face of them the abundant proofs of fraud, falsehood, and absurdity. I affirm, lastly, that instead of trusting and trying the tribunals of the country, and employing diplomatic agency simply as a supplemental resource, you have interposed at

once in the cases of Mr. Finlay and M. Pacifico the authority of foreign power, in contravention both of the particular stipulations of the treaty in force between this country and Greece, and of the general principles of the law of nations ; and have thus set the mischievous example of abandoning the methods of law and order, in order to repair to those of force.

Sir, there is another wholly distinct question, with respect to the little islands of Cervi and Sapienza, which must not be passed by. It involves a matter of the highest importance, namely, the principles on which we are to proceed towards co-guaranteeing Powers in subjects falling within the scope of the guarantee.

Sir, I complain that there has been unbounded mystification in regard to Cervi and Sapienza. We claim them on the part of the Ionian Islands. Greece claims them as a portion of her territory, of which the integrity was guaranteed by England, France, and Russia jointly. We are not able to deny that the question of dominion over these islands is a territorial question to be settled by the three Powers, and ought not to be touched by any one of them before the others have heard of it. There is great debate upon the question whether the claim to these islands was one of those included within Mr. Wyse's note of the 16th of January. M. Londos asserted that it was so included ; and, from evidence not contained in these papers, I think it possible that he may be right ; but I pass that by. Mr. Wyse treats the assertion of M. Londos as a gross misrepresentation. He says everywhere that the case of Cervi and Sapienza was one entirely separate ; and, in all the correspondence with Russia and with France on this subject, they are given to understand, or left to infer, that we had done no act which was at variance with their rights as co-guaranteeing Powers. But why all this debate about the note of the 16th of January ? Suppose we are right in our doctrine about that note, what will the House of Commons think when they are told that these papers contain anterior and conclusive evidences of the wrong done by the noble Lord ? The letter of orders to Sir William Parker, indeed, as my right hon. Friend the Member for Ripon observed, does not appear—I know not why—in these papers ; but you will find in them a letter written by order of Earl Grey, from Mr. Elliot to Mr. Addington, as follows :—

"Sir—I am directed by Earl Grey to acknowledge your letters of the 12th and 27th ultimo, containing further intelligence respecting Cervi and Sapienza; and I am to acquaint you that in accordance with the suggestion of Viscount Palmerston, instructions have been given to the Lord High Commissioner of the Ionian Islands to adopt the necessary measures, in concert with the Admiral, as soon as he can conveniently detach a portion of his force for the purpose, to take possession of those islands, if they should not have been evacuated by the Greek authorities at the time when he receives his instructions.—I am, &c. (Signed) "FREDK. ELLIOT."

This letter is dated the 6th of October, 1849. Is it to be vindicated, or is it to be given up to censure? What judgment is the House of Commons to pass upon this grave transaction? For the sake of these worthless islands you imperiously violated a right clear as the sun, the right of France and Russia to be consulted upon every question touching the integrity of Greek territory. You ordered possession to be taken of these islands months before France or Russia heard anything about it. And how were you saved from the consequences of so outrageous a proceeding? By the greater discretion of your agents on the spot. Sir William Parker and Mr. Wyse took it upon themselves to suspend the execution of your orders; and it is not until very lately that you have even given your reluctant approval to that suspension, which has been the means of securing you from a most threatening crisis.

Sir, in turning to the question of our relations with France, as they have been compromised by the Greek affairs, I must set out with saying, that, as it appears to me, we are under very great obligations to that country. First, for the offer of her mediation or good offices; and, secondly, for the spirit in which she proceeded to carry that offer into execution. For on the 16th of February, 1850, the noble Lord the Foreign Secretary thus stated to Mr. Wyse his opinion of Baron Gros:—"Baron Gros is a man of sense, and of a conciliatory disposition, and the choice seems to be a good one." You are, I think, further obliged to France for the great efforts she made to meet your wishes in the consideration of these claims; because I think it quite plain that if France had had to arbitrate, some 60,000 drachmas, or little over 2,000*l.*, would have been all that she could have awarded to us. Now, I do not think that the noble Lord has duly reciprocated these feelings on the part of France, or has done them justice in his own conduct. He did not, in my

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opinion, at any time keep Mr. Wyse properly informed as to the understanding on which it had been settled here that affairs should proceed at Athens. I will not dwell only upon the circumstances that the noble Lord could not find means for communicating to Mr. Wyse before the 17th of April what had been arranged between him and M. Drouyn de Lhuys on the 9th—though, from what we know of the noble Lord, I should have thought he could have compassed greater things than this; nor upon the circumstance that when the 17th arrived, he did not then think proper to make a communication. Even before the 9th of April, and long before it, he had arranged with the Ambassador of France that it should rest wholly with the French negotiator at Athens to fix the termination of his own intervention, and that, until he announced it, the action of the squadron should remain absolutely suspended. The noble Lord himself has told us that M. Drouyn de Lhuys did not misunderstand him; but when Baron Gros made known to Mr. Wyse that definition of his powers which had been transmitted to him on the authority of M. Drouyn de Lhuys, Mr. Wyse was utterly at fault, and on the 15th of April he writes to the noble Lord:—

"I have not had the honour to receive any such instructions to this effect, nor am I aware how far such a case as that in which Baron Gros desires to stand has been contemplated by your Lordship."

And the same ignorance on the part of Mr. Wyse, due to the noble Lord, on the occasion of the arrival of the *Vauban*, led to the final rupture, on which I will not dwell as to particulars; but I will state in passing that, with respect to the dispute about the communications at Athens upon the arrival of the *Vauban*, there is no charge (as I think) affecting the honour either of Mr. Wyse or of Baron Gros; and, resuming the main subject, I affirm that these limited communications to Mr. Wyse respecting the powers of Baron Gros give rise to the supposition, from which I think the noble Lord has yet to clear himself, that while he was negotiating at home with every profession and appearance of desiring an amicable settlement, he was not very unwilling that the matter should again go to the issue of force abroad.

But I pass to other matter, and I blame the noble Lord for having haggled with France upon the difference between the Convention of London and that of Athens, and for having attempted to evade acknowledging the extent of that difference. I

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think that the course he pursues in this part of the correspondence was quite unworthy of the courage which he shows in this House. In more than one despatch he struggles to make light of the differences between the two Conventions; says Her Majesty's Government have scarcely any reason for preferring either one of them in the abstract to the other, but suggests gently that the one—namely, that of Athens—has taken effect, and it seems, therefore, a pity to disturb it. Now, Sir, I will call upon the House to give marked attention to this difference, which the noble Lord treats as so trivial. It pertains chiefly to that old subject of the claims on Portugal. By the Convention of Athens, not only was there a deposit of no less than 150,000 drachmas, which of itself tended to produce an idea that there was some considerable body and substance in the claims (which idea might be very operative upon the judgment), but, what was still more important, a provision that the examination of the claims, and the decision of the amount, should be in the hands of the two Governments of England and Greece. Sir, we can all judge what that would mean in practice, while the recollections of January and April were yet fresh, and under the guns of Sir William Parker's squadron. It would mean that the claims should be settled by the preponderating influence of England. But very different is the Convention of London. First of all, it requires that M. Pacifico shall prove his loss, not, as you had contended, that the Greek Government should disprove it; secondly, there shall be no deposit. But the difference on which I rely is this: the investigation of the claims is to be conducted, not between strong England and weak Greece alone, but between strong England and weak Greece, with strong France, not to render good offices, reducible to nothing, but to arbitrate and determine between them. That is the difference of which the noble Lord has made so light—a difference of provisions reaching over a claim of 26,000*l.*, or some five-sixths of all he had demanded. And, Sir, I do not scruple to express the opinion that, under the arrangement as it now stands, the claims of M. Pacifico for his Portuguese documents are virtually dead, and that if he sold them by auction no man would be found to make a bid for them. But the French Government, unhappily, could not be brought to see the almost identity of the two Conventions: they pressed the

noble Lord hard and closely upon that subject, and after various attempts at escape, he was compelled to submit, I will say, to the humiliation which he has brought upon himself, and not only upon himself, but upon his country, resorting to violence in the first instance, then failing to fulfil his understanding with France, and so permitting a second resort to violence to occur at Athens; and then being compelled by France, who, I must say, has justly vindicated her offended dignity to undo what his armament had done, and to accept the Convention of London even after that of Athens had been carried, so far as time permitted, into full effect.

But, Sir, it is not only with France that we have had to deal: what is the lesson that Count Nesselrode has read to us? The gentlemen of liberal politics, who have such favour to the noble Lord the Foreign Secretary, must surely, of all things, most desire, that England should not be humbled in the eyes of a foreign Power; they must surely also say, and I sympathise with them, "If we are to receive public lessons upon our conduct, let us receive them from those who have from infancy drunk the milk and breathed the breath of freedom like ourselves." Not such has been our fate under the unhappy auspices of the noble Lord. And now, Sir, I will read, at this late hour, and read, too, without apology. These grave and pregnant words of Count Nesselrode are words that may sting you while you hear them; but to them, at least, you will not listen, as you justly might to me, with indifference. On the 19th of February last, Count Nesselrode thus writes to the noble Lord—

"The reception which may be given to our representations may have considerable influence on the nature of the relations we are henceforth to expect from England; let me add, on the position towards all the Powers, great or small, whose coast exposes them to a sudden attack. It remains, indeed, to be seen whether Great Britain, abusing the advantages which are afforded her by her immense maritime superiority—"

[*Interruption from conversation among some hon. Members.*] What, Sir, are there Gentlemen in this House who can pursue their idle chat, while words like these are sounding in their ears? If there are, I must tell them frankly, that I am little mortified at their withholding from myself the compliment of their attention. And now I will resume:—

"It remains, indeed, to be seen whether Great Britain, abusing the advantages which are afforded her by her immense maritime superiority, intends henceforward to pursue an isolated policy, without

caring for those engagements which bind her to the other Cabinets; whether she intends to detach herself from every obligation, as well as from all community of action, and to authorise each great Power, whenever it shall find occasion, to recognise towards the weak no other rule but its own will, no other right but its own material force."

That is the lesson which has been read to you—which has been read to you justly—which has been read to you without reply; and this lesson, so read to you without reply, is a lesson from the mouth of the Autocrat of all the Russias.

And now, Sir, what compensation have we for this? Why, we had the compensation of hearing a great speech from the noble Lord; and, Sir, I, for one, assure the House that, as far as it goes, I do not undervalue that compensation. I respectfully assure the noble Lord, if he will permit me, that no man who sits in this House can be more sensible of the masterly character of that speech, alike remarkable as a physical and as an intellectual effort: no man, even of those who sit beside him, listened with keener admiration and delight, while, from the dusk of one day until the dawn of the next, the noble Lord defended his policy, and through the live-long summer's night the British House of Commons, crowded as it was, hung upon his lips.

But in what remains, in the endeavours to canvass the noble Lord's general conduct, I must be brief. I will not at this time follow the noble Lord into the discussion of all those particular instances of his policy on which he dwelt in reply to my right hon. Friend the Member for Ripon, and which, I do not doubt, will be treated of by others who may follow me in the debate, and who are much more competent to discuss them. But there is plainly a great question of principle at issue between us, to which I cannot hesitate to advert. This is a matter in which mere words and mere definitions convey little meaning; but the idea which I have in my mind is that commonly expressed by the word non-interference or non-intervention. Such a word, apart from all cavils as to exact definition, does convey a principle, a temper, a course of policy, which is practically understood and practically approved by the people of England. Sir, so strong is this House, with a strength founded both in its nature as a representative body and in its general conduct, that it can sometimes even afford to deviate a little from the true line of action; its credit with the people may suffer some deduction, and yet remain in great

vigour. You may, I say, afford the loss, but certain I am that you will incur such a loss, if you pass any vote which shall seem to disparage that principle and policy which shall be calculated to impress the people with the belief that you are infected with a mania and an itch for managing the affairs of other nations, and that you are not contented with your own weighty and honourable charge. The right hon. Gentleman who spoke last has put a question which I will answer. He says, if we are not satisfied with the rule of his noble Friend's proceedings, what is the antagonistic principle which we advance? I answer him in that one word to which I have referred: it is the principle of non-intervention in the domestic affairs of other countries. I subscribe to those declarations of general maxims that fell from him; everything depends upon the tone and spirit of the man who has to act upon them. They are in themselves but vague abstractions: they acquire life, and weight, and vigour only as they take effect in administrative acts. Greatly as I respect in general the courage, the energy, the undoubted patriotism of the noble Lord, I accuse him of this, that his policy is marked and characterised by what I must call a spirit of interference. I hold that this is a fundamental fault: a fault not to be excused. The noble Lord tells us, indeed, that he does not go abroad to propagate extreme opinions in other countries; and that I do not for a moment doubt. I do not doubt he has the feeling—which must, indeed, be the feeling of every Englishman, and especially of every Secretary of State in England for Foreign Affairs—which has been the feeling, I am convinced, of the various distinguished persons who have held that office since the Peace—of the Earl of Aberdeen, of Mr. Canning, and of the Marquess of Londonderry likewise; I mean a sincere desire that when a legitimate opportunity creates itself, and makes it our duty, in conformity with the principles of public law, to exercise a British influence in the regulation of the internal affairs of other countries, that influence should be exercised in the spirit which we derive from our own free and stable form of government, and in the sense of extending to such countries, as far as they are able and desirous to receive them, institutions akin to those of which we know from experience the inestimable blessings. Upon this there can be no difference of opinion among us; no man who sits here

can be the friend of absolute power any more than of licence and disorder. There can be no difference upon the proposition that, considering how the nations of Europe are associated together, and, in some sense, organised as a whole, such occasions will of necessity from time to time arise; but the difference among us arises upon this question: Are we, or are we not, to go abroad and make occasions for the propagation even of the political opinions which we consider to be sound? I say we are not. I complain of the noble Lord that he is disposed to make these occasions: nay, he boasts that he makes them. He refers back to his early policy in Spain and Portugal, and he says it was to us a matter of very small moment whether Portugal were ruled by Dom Miguel or Donna Maria; whether the Crown of Spain went to Don Carlos or to Donna Isabella; but then, he says, there were opportunities of propagating the political sentiments which we think sound, and therefore we did what otherwise it might not have been wise to do. This doctrine, Sir, of the noble Lord is, I admit, a most alluring doctrine. We are soothed and pleased with denunciations the most impartial alike of tyranny and of anarchy; and assured, I doubt not with truth, that the only part played by the noble Lord is that of the moderate reformer. Sir, I object to the propagandism even of moderate reform. In proportion as the representation is alluring, let us be on our guard. The noble Lord lays a snare for us, into which, as Englishmen, glorying in our country and its laws, we are but too likely to fall. We must remember that if we claim the right not only to accept, where they come spontaneously and by no act of ours, but to create and to catch at, opportunities for spreading in other countries the opinions of our own meridian, we must allow to every other nation, every other Government, a similar licence both of judgment and of action. What is to be the result? That if in every country the name of England is to be the symbol and the nucleus of a party, the name of France, of Russia, or of Austria, may and will be the same. And are you not, then, laying the foundation of a system hostile to the real interests of freedom, and destructive of the peace of the world?

Sir, we hear something in this debate of success as not being the true test of the excellence of public measures. And God forbid that I should say it is their true test,

when you are in your own sphere, minding your own affairs. But when you think fit to go out of that sphere and to manage those of other people for them, then do I think success throws much light upon the examination of the question whether your intervention was wise and just. Interference in foreign countries, Sir, according to my mind, should be rare, deliberate, decisive in character, and effectual for its end. Success will usually show that you saw your way, and that the means you used were adapted and adequate to their purpose. Such, if I read them aright, were the acts done by Mr. Canning in the nature of intervention: they were few, and they were effectual—effectual whether when, in his own noble language, he “called the new world into existence to redress the balance of the old,” or when, founding himself on the obligations of public law, he despatched the troops of England to prevent the march of a Spanish force into Portugal. I do not find the same character in the interventions of the noble Lord opposite. I cannot look upon all that has taken place during the four years which are the subject-matter of this Motion, without seeing a rash desire, an habitual desire, of interference—a disposition to make the occasions of it, and, that which will always follow, a disposition, in making them, to look too slightly at the restraints imposed by the letter and spirit of the law of nations. I will confine myself to a single illustration. We have heard from the noble Lord what he has to say in vindication of his offer, or at least of his suggestion, of the Sicilian crown to the Duke of Genoa. Could any dispassionate hearer conceive his defence to be a good one? He took credit for this: that his offer to recognise the title was contingent upon the Duke of Genoa’s obtaining positive possession of the crown of Sicily. Sir, I never heard of any royalty, of any government except two: either one *de jure*, or at the least one *de facto*. I cannot give the noble Lord much credit for not having recognised a title which, beyond all dispute, existed neither *de jure* nor *de facto*. Sir, I protest against these anticipations of occasion, on every ground both of policy and of justice. The general doctrine is that we are not entitled to recognise a Government, far less to suggest one, until we see it established, and have presumptive evidence that it springs from a national source. If we move without that evidence, and broach some favourite scheme of our

own, it becomes the sport and the shuttlecock of circumstances, and we become so along with it. I am the more willing to argue this principle in the instance of Naples, because the spirit of Neapolitan institutions is so far removed from that of our own, that the prejudices of every one who hears me must be unfavourable; and particularly must our sympathies be diverted from that Government, as respects the particular case of Sicily. The more we may be tempted to sympathise with Sicily, the less we admire Neapolitan institutions and usages of government, the more tenacious, as I contend, we should be of our duty to do them full justice—the more careful that we do not, because we differ from them, impair in their case the application of those great and sacred principles that govern and harmonise the intercourse between States, and from which you never can depart, without producing mischiefs by the violation of the rule, a thousandfold greater than any benefit you may promise yourself to achieve in the special instance. I say, therefore, that the noble Viscount, when he thus anticipated the dismemberment of the kingdom of the Two Sicilies, pointing to that as likely to occur which had not occurred, and which was not to occur, and in which he had no legitimate concern, did an act which breathed the spirit of hostility towards a friendly Power, an act at variance with duty, and an act ill adapted to advance the true interests of freedom in that or in any other country. And if, Sir, departing from the higher ground of duty and of justice, I must invoke considerations of prudence also, I say that we, the Parliament of this widely-extended empire, which has its innumerable limbs dispersed through the wide world from one of its extremities to the other, are not in a condition to deal lightly with those laws which prohibit allied nations from seeking to compass the dismemberment of one another. We might conceive a case. We might suppose that in the insurrection of Canada a portion of the province might for a time have been in possession of the insurgents: what view should we have taken of the conduct of a foreign Power which, while the contest was still doubtful, and before our gallant troops should have shown their inability to hold the soil they were defending for their sovereign and their country, had foreshown events as yet contingent, perhaps never to be realised, and had presumed to indicate to the people, who were still no more than

insurgents, the choice of a particular head or a particular form of government?

Sir, I am well prepared, following the example of other and more distinguished men, to bear my share in the abuse which, I doubt not, may attend the part which we shall take on this occasion. I am prepared to hear it said that we are espousing the cause, as against England, of countries other than our own; that we cabal against the noble Lord because he is the protector of Englishmen domiciled abroad. Sir, I deny that he has truly protected Englishmen by the course he has pursued. I hold that no Minister in his place can really give to Englishmen resident in foreign lands either an effectual or a permanent protection, except by a careful observance of the principles that have been consecrated by the universal assent of mankind for governing the conduct of nation to nation. In vain do you talk to us of a knot of foreign conspirators: the only knot of foreign conspirators against the noble Lord, is the combined opinion of civilised Europe. In vain you talk of the two kinds of revolutionists—the revolutionists who will have too much reform for the noble Lord's taste, and the revolutionists who will have too little. These, he says, are the persons opposed to him and his moderate reforms, and all on grounds petty, paltry, narrow, and personal; but under his description there will, I fear, be found to fall nearly every party in nearly every country of Christendom.

Sir, great as is the influence and power of Britain, she cannot afford to follow, for any length of time, a self-isolating policy. It would be a contravention of the law of nature and of God, if it were possible for any single nation of Christendom to emancipate itself from the obligations which bind all other nations, and to arrogate, in the face of mankind, a position of peculiar privilege. And now I will grapple with the noble Lord on the ground which he selected for himself, in the most triumphant portion of his speech, by his reference to those emphatic words, *Civis Romanus sum*. He vaunted, amidst the cheers of his supporters, that under his administration an Englishman should be, throughout the world, what the citizen of Rome had been. What then, Sir, was a Roman citizen? He was the member of a privileged caste; he belonged to a conquering race, to a nation that held all others bound down by the strong arm of power. For him there was to be an exceptional system of law; for him principles were to be asserted, and by him rights were

to be enjoyed, that were denied to the rest of the world. Is such, then, the view of the noble Lord, as to the relation that is to subsist between England and other countries? Does he make the claim for us, that we are to be uplifted upon a platform high above the standing-ground of all other nations? It is, indeed, too clear, not only from the expressions, but from the whole spirit of the speech of the noble Viscount, that too much of this notion is lurking in his mind; that he adopts in part that vain conception, that we, forsooth, have a mission to be the censors of vice and folly, of abuse and imperfection, among the other countries of the world; that we are to be the universal schoolmasters; and that all those who hesitate to recognise our office, can be governed only by prejudice or personal animosity, and should have the blind war of diplomacy forthwith declared against them. And certainly if the business of a Foreign Secretary properly were to carry on such diplomatic wars, all must admit that the noble Lord is a master in the discharge of his functions. What, Sir, ought a Foreign Secretary to be? Is he to be like some gallant knight at a tournament of old, pricking forth into the lists, armed at all points, confiding in his sinews and his skill, challenging all comers for the sake of honour, and having no other duty than to lay as many as possible of his adversaries sprawling in the dust? If such is the idea of a good Foreign Secretary, I, for one, would vote to the noble Lord his present appointment for his life. But, Sir, I do not understand the duty of a Secretary for Foreign Affairs to be of such a character. I understand it to be his duty to conciliate peace with dignity. I think it to be the very first of all his duties studiously to observe, and to exalt in honour among mankind, that great code of principles which is termed the law of nations, which the hon. and learned Member for Sheffield has found, indeed, to be very vague in their nature, and greatly dependent on the discretion of each particular country; but in which I find, on the contrary, a great and noble monument of human wisdom, founded on the combined dictates of reason and experience—a precious inheritance bequeathed to us by the generations that have gone before us, and a firm foundation on which we must take care to build whatever it may be our part to add to their acquisitions, if, indeed, we wish to maintain and to consolidate the brotherhood of nations, and to

promote the peace and welfare of the world.

Sir, the English people, whom we are here to represent, are indeed a great and noble people; but it adds nothing to their greatness or their nobleness, that when we assemble in this place we should trumpet forth our virtues in elaborate panegyrics, and designate those who may not be wholly of our mind as a knot of foreign conspirators. When, indeed, I heard the hon. and learned Gentleman the Member for Sheffield glorifying us, together with the rest of the people of this country, and announcing that we soared in unapproachable greatness, and the like, I confess I felt that eulogies such as those savoured somewhat of bombast; and thought it much to the honour of this House that the praises thus vented seemed to fall so flat; that the cookery of the hon. and learned Gentleman was evidently seasoned beyond the capacity and relish of our palates. It is this insular temper, and this self-glorifying tendency, which the policy of the noble Lord, and the doctrines of his supporters, tend so much to foment, and which has given to that policy the quarrelsome character that marks some of their speeches; for, indeed, it seems as if there lay upon the noble Lord an absolute necessity for quarrelling. No doubt it makes a difference, what may be the institutions of one country or another. If he can, he will quarrel with an absolute monarchy. If he cannot find an absolute monarchy for the purpose, he will quarrel with one which is limited. If he cannot find even that, yet, sooner than not quarrel at all, he will quarrel with a republic. He has lately shown us this in the case of France: he showed it once before in the case of America. The tenacious memory of the noble Lord reached back to transactions many years farther off than 1843: he referred to the foundation of the throne in Belgium, which was under Earl Grey's Government, and had nothing to do with the present Motion; but I am sorry it should not have retained what happened to him in 1843 respecting the Ashburton treaty, when this House, by its vote upon that treaty, read him a lesson of which he seems not to have reaped the benefit. The House of Commons at that time had the good sense to take a dispassionate view of a question depending between ourselves and a foreign country, and, rejecting the advice of the noble Lord, which must have led to a rupture between the two Powers, showed that

it had no fear even of being thought afraid.

Sir, I say the policy of the noble Lord tends to encourage and confirm in us that which is our besetting fault and weakness, both as a nation and as individuals. Let an Englishman travel where he will as a private person, he is found in general to be upright, high-minded, brave, liberal, and true; but with all this, foreigners are too often sensible of something that galls them in his presence, and I apprehend it is because he has too great a tendency to self-esteem—too little disposition to regard the feelings, the habits, and the ideas of others. Sir, I find this characteristic too plainly legible in the policy of the noble Lord. I doubt not that use will be made of our present debate to work upon this peculiar weakness of the English mind. The people will be told that those who oppose the Motion are governed by personal motives, have no regard for public principle, no enlarged ideas of national policy. You will take your case before a favourable jury, and you think to gain your verdict; but, Sir, let the House of Commons be warned—let it warn itself—against all illusions. There is in this case also a course of appeal. There is an appeal, such as the hon. and learned Member for Sheffield has made, from the one House of Parliament to the other. There is a further appeal from this House of Parliament to the people of England; but, lastly, there is also an appeal from the people of England to the general sentiment of the civilised world; and I, for my part, am of opinion that England will stand shorn of a chief part of her glory and her pride if she shall be found to have separated herself, through the policy she pursues abroad, from the moral supports which the general and fixed convictions of mankind afford—if the day shall come in which she may continue to excite the wonder and the fear of other nations, but in which she shall have no part in their affection and their regard.

No, Sir, let it not be so: let us recognise, and recognise with frankness, the equality of the weak with the strong; the principles of brotherhood among nations, and of their sacred independence. When we are asking for the maintenance of the rights which belong to our fellow-subjects resident in Greece, let us do as we would be done by, and let us pay all the respect to a feeble State, and to the infancy of free institutions, which we should desire and should exact from others towards their

maturity and their strength. Let us refrain from all gratuitous and arbitrary meddling in the internal concerns of other States, even as we should resent the same interference if it were attempted to be practised towards ourselves. If the noble Lord has indeed acted on these principles, let the Government to which he belongs have your verdict in its favour; but if he has departed from them, as I contend, and as I humbly think and urge upon you that it has been too amply proved, then the House of Commons must not shrink from the performance of its duty, under whatever expectations of momentary obloquy or reproach, because we shall have done what is right; we shall enjoy the peace of our own consciences, and receive, whether a little sooner or a little later, the approval of the public voice, for having entered our solemn protest against a system of policy which we believe, nay, which we know, whatever may be its first aspect, must of necessity in its final results be unfavourable even to the security of British subjects resident abroad, which it professes so much to study—unfavourable to the dignity of the country, which the Motion of the hon. and learned Member asserts that it preserves—and equally unfavourable to that other great and sacred object which also it suggests to our recollection, the maintenance of peace with the nations of the world.

MR. DRUMMOND: It is not to be supposed that I should have any hereditary antipathy to seeing a run made upon an individual Minister of a Whig Administration, in order to destroy its whole existence. I am not likely to feel any great reluctance at finding the remark of the hon. and gallant Member for Middlesex realised, that, "after all there is an avenger;" but notwithstanding all my political predilections, I do feel disgusted when I see, for the purpose of destroying an Administration, a run made upon an individual Minister, and, as of old, not the most ignoble amongst his Colleagues; not, I maintain, for any direlection of duty, but that the purposes of faction might be served, and because foreign whisperers have been at work. If I could pursue such a course, a course which I have execrated in times past, in similar circumstances, I should myself act like, be as bad as, a Whig; yet if I did, I might in my justification for inflicting another stab upon the noble Lord, say—

"Te hoc vulnere Pallas
Immolat."

There appears to be something very factitious in the way in which the First Lord of the Admiralty acted his part in the present transaction. When the noble Lord at the head of the Foreign Office applied for a fleet to be sent to the Bay of Salamis, the right hon. Baronet no doubt selected such ships as he considered best adapted for the service. Lovers are said to convey their sentiments to each other by the names of flowers; and the right hon. Baronet seems to have been anxious to convey the sentiments of Her Majesty's Government by the names of the ships; for we find he chose the *Firebrand*, the *Dragon*, the *Spitfire*, the *Tartarus*, the *Bulldog*, the *Spiteful*, the *Frolic*, and the *Vengeance*. If the right hon. Baronet had been required to send a bouquet of flowers to the King of Greece, he would have chosen the thistle, the stinging nettle, the nightshade, the crab, the prickly pear, and the *gleditschia horrida*.

This question has been argued under the name of a policy. Now the policy of the country has been to protect English residents abroad; to vote against this policy, is to vote, that in no case shall English residents abroad be protected by their own Government. When the opponents of Ministers, therefore, place the question on this basis, they place it upon one which is perfectly fatal to them; and in talking of overthrowing the Government upon the ground of the noble Lord's policy, and adopting a contrary policy, they make a declaration to the world that let the subjects of this country be treated as they may, the Foreign Minister must not protect them.

I now come to a question of greater importance. The hon. and learned Gentleman who brought forward this question (whether or not with the consent and approbation of Her Majesty's Ministers, I cannot say), has traced the historical pedigree of the Ministry back to the beginning of the French Revolution, and he has declared their policy now to be identical with that which it was in 1789. It is clear that the Greek Government has been encouraged secretly by the Russians, from the very commencement of the setting up the kingdom of Greece, to resist our claims, and to look with hostility upon everything done by the British Government. There is no doubt of the fact; and the noble Lord who gave us a detailed account of the first establishment of Greece into a separate kingdom, has declared that from that day there

has been an unceasing contention between the principles of what he calls absolute and responsible government. But, can this be a matter of surprise, if as their learned advocate has declared, the Ministry is intimately connected with the principles of the revolution which broke out in 1789, and upon which it has continued to act, and is acting at the present day? The revolution in this country affords no parallel, because the remarkable and essential difference between us and France is this, that when we chose to alter our institutions, we never insisted that other nations should alter theirs also. When we cut off our king's head, we did not insist that all other nations should cut off their kings' heads also. But the peculiar characteristic of the revolution which broke out in 1789, is its spirit of propagandism. The character of nations, and of factions, like that of individuals, is inherited as well as made: *Fortes creantur fortibus*, and the eagle that feeds on carrion and blood, cannot generate the dove that loves peace. What were the antecedents? Who were the political fathers of the present Administration? What is the character which they inherit? They are the men who patronised the French revolution, who apologised for the murder of the king, who palliated the rebellion in Ireland, who justified the mutiny of our fleet at the Nore, who participated in and abetted the propagandist spirit of those republican times, and many of them were members of the Corresponding Society. The present Whigs cannot be expected to be more scrupulous than their fathers; yet, singularly enough, the hon. and learned Gentleman boasted of our final successes against Napoleon, whilst the Whigs had opposed all the acts of the Government for the liberation of the Peninsula from the revolutionary armies of France, by the exertions of the Duke of Wellington.

The necessary consequence of this was, that when the Whigs came into office, they were regarded with universal distrust by every Power in Europe. For a time the wisdom of Earl Grey, who was well aware of this feeling towards them, by proceeding with great caution, restored some measure of confidence to the established Governments; but soon they brought forward the Reform Bill, which annihilated the power of the Crown in this country; and from that time foreign Governments have looked naturally with suspicion to everything that emanates from this; and

then began to develop itself the propagandist spirit of their fathers, which proposed to carry their reforming principles and practice into every country in Europe. The conduct of Her Majesty's Government with respect to Switzerland, does not seem to be correctly understood by the House; nor has the right hon. Baronet the Member for Ripon accurately stated it, nor did the noble Lord the Foreign Secretary clearly explain it. The fact is this: the old constitution of Switzerland was a confederacy of independent cantons; each was sufficient to itself, and its internal arrangements were not to be meddled with by the rest. This constitution was guaranteed by the four Powers who were parties to the treaty of Vienna. Certain small cantons permitted the establishment of the Jesuits; whilst other cantons admitted some of the desperadoes who were labouring to revolutionise all Europe. The majority of the cantons, not liking the Jesuits, called unconstitutionally on the minority to expel the Jesuits, an interference in which they were not justified, and accordingly the minority refused to obey, and claimed assistance from the contracting Powers who had guaranteed the preservation of the constitution. Prussia, Austria, and Russia, however, were fully employed, and the noble Lord at the head of the Foreign Department took the part of the unconstitutional majority, which had raised an army under M. Ochsenbein to compel the submission of the constitutional minority. Here then was an uncalled-for interference, and a siding with revolution for the mere love of revolution, for there was nothing whatever to gain to ourselves.

The present Ministry was founded on agitation originally, and is supported by agitation now; and it is impossible that a Government which is the creature of agitation at home, can be the promoters of peace abroad. Amongst the chief supporters of the Government are the Manchester School, the heads of which have openly declared the ultimate object that they have in view. The hon. Member for Manchester declared lately at a public meeting—

"We live in an age of agitation. I am one of those who greatly approve of this state of things, and rejoice at it. There is a party in this country rapidly moving onward towards a peaceable, wide, and enduring democracy. The glorious constitution of Crown, Lords, and Commons, is in fact an imposture, which it is part of my duty to expose."

Another speaker of the same class said—

"If the working classes will but join the middle classes in right good earnest, the upper classes,

the corinthian capital of the column, would soon begin to crumble; and fall they must, for they are rotten at the core."

I am at a loss to discover any difference between these principles and those enunciated by the noble Lord the other night at the conclusion of his speech. I was lately looking at a bed of red roses; many were of different shades, some deep red, and called the Black Prince, and some quite light, and rejoicing in the name of the Maiden's Blush. I am willing to conclude that Her Majesty's Ministers are of the delicate tint of the maiden's blush; but still they are all red: some darker and some lighter, but all alike red; and I am totally unable to discover any difference between them and the red republicans, save as one red rose differs from another. Whatever can be called principle in the Manchester School, depends upon the price of cotton; whatever policy will extend cotton manufactures is good; whatever will curtail them is bad. Under the present system the Queen is a perfect cipher; and even the other night when the noble Lord at the head of the Government spoke of resigning the seals of office, he did not speak of resigning them into the hands of the Queen, as the person from whom he had received them, as the head and fountain of honour, but into the hands of Lord Stanley. The noble Lord stated last night that kings were slow to learn the lesson of submitting to their people. The whole object of the Government, both at home and abroad, was to put the sovereigns under the people; and however laudable this policy might appear in the eyes of those who adopted it, it is not surprising that kings should object to it a little, especially at the commencement. Some of the friends of the noble Lord at the head of the Government who are in the habit of speaking of him in terms of familiarity which I should not venture to use, tell us that there is no danger in the course which we are pursuing, because he is, as they say, such a "plucky little fellow," that he has courage enough for anything, not only to take the command of the Channel fleet, but even to couch Lord Lyndhurst. There is, however, in moral as in physical courage, such a thing as foolhardiness: I remember the late Lord Rivers saying, of some young men who were very courageous riders, to one who was praising their boldness, that they deserved no praise at all, for they had merely not sense enough to know their danger. We cannot say

that the noble Lord has not sense enough for anything he pleases to undertake; but I must say, in reference to the course he pursues with foreign nations, *Sin in tanto omnium metu solus non timet, eo magis refert me mihi atque vobis timere.*

We are told that this is to be a vote of confidence in the Ministers. I confess I do not know what meaning to affix to that word. I have confidence in every man, and in every animal, according to his or its nature. I have confidence in a tailor to make a coat, but I have no confidence in him to make a pair of shoes. I have a confidence amounting to a perfect conviction that Her Majesty's Ministers will continue to act in the way in which they ever have acted. I have confidence that the party now dominant in this country, which, as I have said before, is striving to destroy everything in order to establish democracy—that party which has avowed that it wishes to destroy the House of Lords, and will only tolerate the Queen so long as she is a respectable individual—I have confidence that this party, which in my opinion ought to be extirpated like rats, will continue to be the party to whom the Ministers will look for support. I have confidence that the Administration which was founded on agitation, which gave to Ireland the parting charge to “Agitate, agitate, agitate!” will never be an Administration to promote tranquillity abroad. It is absurd to suppose that we can adopt agitation as a political principle at home, and make tranquillity the principle of our transactions abroad. The principle of the Government from first to last has been to keep up a system of political agitation; and the Ministers are only the stormy petrels, the harbingers of universal European convulsion. I have no doubt that they will so continue, and that nothing will stop them. But I deprecate any attempt to overturn the Government so long as the country is unconvinced of the delusiveness of the path which we are pursuing—a path which I am convinced can lead but to one result, which is the involving of all the countries in Europe in one scene of universal bloodshed. It was the Reform Bill which has produced the revolution that at the time was denied, but of which the hon. and learned Gentleman who opened the debate, and the other panegyrists of it, now boast with so much ostentation—it was this revolution which has made the policy of the Government such as it now is, and which has opened

the career of that foreign policy which we are now called upon to judge. But although convinced of this, I will not consent on this account to serve the purposes of a faction by inflicting a wound upon the present Administration, because I cannot forget that Lord Stanley and the right hon. Member for Ripon are as deeply responsible for that Reform Bill as any others, and I will not consent to overthrow one set of men merely to uphold another equally culpable with themselves.

MR. COCKBURN moved the adjournment of the debate.

Debate further adjourned till To-morrow.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 28, 1850.

MINUTES.] PUBLIC BILLS.—2^d Metropolitan Improvements; General Board of Health.

3^d Landlord and Tenant (Ireland); Public Houses (Scotland); Small Tenements Recovery (Ireland).

OUTRAGE ON HER MAJESTY.

THE MARQUESS OF LANSDOWNE: My Lords, I think it but a respect and duty I owe to this House that, by way of information, I should allude to a circumstance which all your Lordships must most deeply deplore. My Lords, it has been my unfortunate lot more than once before the occurrence of this circumstance, to call the attention of the House to circumstances of a somewhat similar character. Unfortunately, I say, such has been my lot; but fortunately, in one respect, that on each occasion these circumstances have only tended to exhibit in the strongest possible point of view the courage, the firmness, and the presence of mind of the Illustrious Individual who now sits upon the throne. And, my Lords, the occurrence of last night also furnished an opportunity for exhibiting on the part of Her Majesty's subjects of all classes of society an unanimous, an enthusiastic, and indignant feeling of disgust at the perpetration of such an outrage. That event, as I believe most of your Lordships know, consisted in the following occurrence:—Her Majesty was assaulted by an individual whilst paying a visit to her illustrious relative the Duke of Cambridge at his house, and at the point of leaving the court-yard of the house. Such, my Lords, was the outrage, the motive of which has yet to be ascertained.

All I can now state to your Lordships is, that the individual charged with the offence is an individual who has moved in a respectable sphere of society, one who, I deeply grieve to say, has borne Her Majesty's commission, and who, moreover, is the son of a gentleman of considerable fortune. I have said that it is impossible for me to state or to test the motives for such an odious and contemptible outrage. But that individual is now under arrest, and has been remanded for further examination. It is not yet known what the particular character of the offence he has committed will be considered to be; and under these circumstances, my Lords, I do not feel myself called on to ask your Lordships to express any formal opinion on the subject, satisfied as I am that in this House and out of it, without such formal expression of opinion, there is in your Lordships' hearts, and throughout the entire country, but one sentiment and one feeling with regard to the outrage which has been committed. Having said thus much, I do not think it necessary to trespass further on your Lordships' time.

LORD STANLEY: My Lords, if the noble Marquess, in addition to the notice he has so properly taken of the outrage committed yesterday, had felt it consistent with his duty to move an address to Her Majesty on the subject, I am quite sure that every Member of your Lordships' House would have subscribed that address, expressive of your devoted loyalty to the Throne, and expressive also, I will not say, of congratulation at Her Majesty's escape from personal outrage, for it does not appear that Her Majesty was in danger—but of indignation—at the mean, the dastardly, the cowardly attack made upon the sacred person of Her Majesty. If such an address had been proposed, I feel confident it would have met with an immediate and an universal response from your Lordships, and I am quite sure the sentiments delivered by the noble Marquess will meet an universal echo throughout the country. My Lords, on former occasions there have been outrages more serious attempted against the person of Her Majesty; but I never remember one which struck me as at once so disgusting—so degrading—so dastardly—so brutal—so unmanly, as that attempted last night. I can only trust and hope—I believe it impossible to be otherwise—I will not believe it can be otherwise—that the unhappy individual

who perpetrated this outrage is not in a state of mind in which he is responsible for his own actions. But, on the other hand, I trust that in the investigation of this question, such a conclusion will not be arrived at hastily. I trust the state of mind of the individual will be deliberately, distinctly, and calmly inquired into; but I trust that the conclusion will not be lightly come to, that the individual guilty of such an outrage is not in a state of mind in which he is responsible for his acts. A flighty disposition is not a sufficient vindication for such an outrage; but I am afraid such a disposition of mind has been too readily adopted as a palliation and excuse for outrages of this description. As the case is probably before the tribunals of the country, I will not now make any further observations; and I will only say I am sure your Lordships and the whole country will concur with me in an universal feeling of execration at the attempt made, and will join in one feeling of congratulation that Her Majesty, whose personal courage was manifested so clearly on this as on former occasions, has sustained no serious injury. My Lords, at all events there is this reason for rejoicing in this case—that on the occasion of this as upon any former outrage, it has called forth an universal and enthusiastic feeling of loyalty on the part of the people, which must serve to convince Her Majesty that there is but one feeling of devoted loyalty to the person of Her Majesty, and but one feeling of indignation for the individual, whoever he may be, who has ventured to perpetrate so dastardly an act.

LORD BROUGHAM: My Lords, I beg to express my most hearty concurrence in all the remarks which have fallen from the noble Marquess and the noble Lord who followed him, on this most despicable as well as dastardly attempt on the person of Her Majesty; and I hope that in the investigation of this dastardly and atrocious case both Judge and jury will not give way to the tendency which has on more than one occasion been exhibited, not to hold persons responsible for their criminal acts.

CRIMINAL LAW CONSOLIDATION BILL.

LORD BROUGHAM rose to state the course he proposed to pursue with regard to this Bill. Unfortunately the Criminal Law Commission had been suffered to expire, and it would therefore be necessary to issue a new commission, and to take

proper means for carrying it out. The revision for the second time of the digest of criminal procedure had been a work of immense labour, and had been admirably executed by the able hands to which it had been entrusted. The whole of the criminal law amendments had been carefully examined, and were now lying on their Lordships' table. He would now state generally what had been done. Between 80,000*l.* and 90,000*l.* of the public money had been expended since about fourteen years ago in the proceedings consequent upon the appointment of the Criminal Law Commission. Now he (Lord Brougham) would not deny that 2,000*l.* or 3,000*l.* more would be required to finish them. But as nothing was more foolish than to throw good money after bad, so there was nothing more foolish than, after having paid away a large sum of money, to lose it by not spending a trifling sum more; and therefore, in order to complete the work which had been begun by the Commission which was now expired, it would be necessary that a new commission should be issued. The noble Lord then alluded to a report which had been circulated of a most absurd and groundless nature, namely, that the digest of the criminal law was not the result of the labours of the Commissioners, who were said to have abdicated their functions, and to have entrusted them to their secretary, Mr. Lonsdale. He (Lord Brougham) admitted that the Commissioners had received the most valuable assistance from their secretary; but he was able to give, on the testimony of all the Commissioners except Mr. Starkie, who was unfortunately deceased, the most positive and peremptory contradiction to that report. He was indeed astonished at the boldness of those who had spread the report, and at the weakness of others in believing that men of such high standing, ability, and character, would put their names to the work of another. The labours of these gentlemen had had the most precious effect of giving us a criminal law digest, to which they had added a digest of criminal proceedings. He hoped that he would live to see the accomplishment of that very important work, and that we should not be found to have thrown away so much money for nothing. Instead of moving that the House be now put into Committee, he should move that the Order of the Day be discharged.

Order of the Day read and discharged.

AUSTRALIAN COLONIES GOVERNMENT BILL.

EARL GREY moved that the Report of the Amendments be now received.

LORD MONTEAGLE could not allow the occasion to pass without congratulating their Lordships on the changes and amendments which his noble Friend the Secretary of State for the Colonies had given notice of introducing into the Bill. One of the principal suggestions which had been made on a former occasion, and only negatived by a majority of two votes, was the introduction of two chambers, rather than the constitution of a single chamber. Now, he would say that the proceeding in relation to the Bill, afforded a strong illustration of the benefit arising from having two chambers; for he took upon himself to say that the Bill, which was likely to be referred back to the House of Commons, was no longer the Bill which their Lordships had to discuss on the second reading. In many most important points, the Bill was quite different. In the first place, his noble Friend had made a very important concession, which had to a very important extent altered the Bill. He had altered the elective franchise which the House of Commons proposed; and it was not unworthy of especial notice that the decision in favour of public and popular rights had been obtained in that House, rather than in the House which was naturally supposed to be the guardian of the rights and interests of the people. The franchise had been altered by being diminished in amount to one-half. His noble Friend had also introduced a new class of voters, and had admitted freeholders and licencees to the privilege of the franchise. He also gave to the new legislative assemblies the power of dealing with their own constitution. He (Lord Monteagle) would submit to his noble Friend whether it would not be desirable to confine the powers of amending the constitution to an Assembly formed under the new franchise. It was admitted, that under the present franchise, the best and most respectable members of the community were excluded, and he therefore thought it would be a more fair and prudent mode of proceeding to limit the power of altering the constitution to an Assembly created under the improved franchise. He had had communications from Australia on the subject, and from the public prints he perceived that there were meetings at which resolutions were passed, bearing on this

very subject. In discussing the question of a double chamber, there was no practical difference of opinion between himself and his noble Friend; but his noble Friend had stated that he was extremely unwilling to force anything on an unwilling people, and he considered that the Australian Colonies had declared themselves adverse to a double chamber. It had been suggested that the Colonies had not expressed so decided an opinion, and that their real feelings were favourable to a double chamber. Now, he (Lord Monteaale) had recently received accounts from the Colonies, by which it appeared that meetings had been held and resolutions passed in favour of a double chamber. One of the resolutions stated that the colonists were most anxious "that the colony should have a form of government in which all classes of the people should be equally represented;" and then it went on to say, "and which shall resemble the British constitution as closely as possible." The colonists had, therefore, clearly intimated their desire for a double chamber in the resolutions he referred to. He (Lord Monteaale) could not refrain from complaining that every resolution from the Colonies that told in favour of this measure was laid on the table of their Lordships' House with marvellous rapidity after its receipt, whilst those which made against the Bill were long delayed, or were not forthcoming at all. In conclusion, he had to say that he felt it was a matter of first necessity with respect to the future government of those Colonies, that a matter so essential as the formation of a new constitution should be discussed deliberately, and decided upon by the men who had been assembled and returned by the improved constituency. Unless that was so, that new constitution would give no satisfaction; and he entreated their Lordships not to give to an assembly returned by an inferior constituency the privilege of forming that new constitution.

EARL GREY said, he had only been put in possession of the resolutions referred to by the noble Lord who last addressed their Lordships by having seen them in the public journals; and he believed those resolutions were not passed at a meeting of any very great importance, or passed by any very large number of the colonists. With respect to the charge made by the noble Lord, that resolutions made against this Bill had not come to hand in time, and that, on the other hand, papers that made

in its favour were laid on the table immediately, he (Earl Grey) begged to remind the noble Lord that great part of his (the noble Lord's) speech was grounded on despatches which were laid on the table on the very day or the day after they were received by the Government, and that some of the information which he possessed, and which was most favourable to the Bill, he only possessed through the medium of the newspapers. His noble Friend (Lord Monteaale) said this Bill was a striking illustration of the advantages of a double chamber, and that the amendments it had undergone proved how great was the advantage of having two opportunities of discussing measures of importance. He (Earl Grey) certainly never denied there were very great advantages in having two branches of the Legislature. He thought, however, those advantages did not exist in the same degree in the colonies as they did at home; he thought that those advantages were to be attained in the colonies by other means, and especially by the power which the Governor had of returning resolutions passed by the Legislature for their reconsideration, instead of their being negatived by the Crown in this country. He did not think this Bill formed such a very special illustration as the noble Lord said it did. In the first place, there was the omission of the clauses regarding the federal assembly. Why were they omitted? Not because there was any change of feeling in the Government respecting them, but simply on the ground that on looking into those clauses, it certainly did appear to them that there were many defects in the machinery which would have prevented them coming into practical operation; and he believed, as the clauses stood, they would have been a dead letter. The real object of the omission, therefore, was merely to strike out clauses which as they stood would have been inoperative. There was a change proposed by his noble Friend (Lord Lyttelton), and he (Earl Grey) acknowledged that that change was an improvement. If the Bill had passed in its original shape, the only effect would have been to defer for one or two years, probably, that reduction of the franchise which was now taking place. The alteration had no other object but the hastening the period of that reduction. With that single exception the Bill was essentially the same as when it was first introduced into Parliament, and out of that fiery ordeal it had come unscathed

and undamaged in all its material parts. With respect to the separation of the colony of Victoria, that would take effect from the issuing of the writs, and the legislature would come into operation under the new franchise. The noble Lord had suggested that the Bill should be reprinted before it was read a third time. It was his (Earl Grey's) intention to have that done. He thought that that was called for in the case of a measure of such importance, and he proposed to have the Bill reprinted, in order to give their Lordships time to consider those alterations before the third reading of the Bill, which he proposed to take that day week. With those observations he proposed that the report should now be received, and that those various Amendments should now be introduced.

The EARL OF ST. GERMAN rose to suggest that the law officers of the Crown in the Colonies ought to be provided for on the same footing as the Judges, so far as regarded their salaries. They should not be exposed to caprice or any other influence; and, in his opinion, the Attorney and Solicitor General and Crown Solicitor ought not to have their salaries reduced without obtaining a provision similar to the compensation awarded to Judges.

EARL GREY said, the Amendment of his noble Friend applied not only to the existing Judges, but to all Judges in after time. It laid down a general principle, which was not equally applicable to the law officers. With regard to the existing law officers, he (Earl Grey) could draw no distinction between their case and that of other persons, and to reduce their salaries would be an act of extreme cruelty and oppression. Those salaries would not be provided for annually; they would be in the nature of salaries charged on the Consolidated Fund in this country, and they could be reduced only by an act of the whole Legislature, to which the Crown was a party. With regard to the holders of existing offices, he held it to be a principle, which he hoped no other Secretary of State would depart from, that their salaries should not be reduced without making adequate compensation to persons now holding those offices.

On Question, Resolved in the *Affirmative*.

Amendments reported accordingly; further Amendments made.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 28, 1850.

OUTRAGE ON HER MAJESTY.

LORD J. RUSSELL: In rising, Sir, to move that the House, at rising, do adjourn till Monday next, I think it right to make the House aware of an occurrence which I cannot speak of without the greatest regret. Her Majesty, yesterday, went to pay a visit to her uncle the Duke of Cambridge, and was returning in her carriage, and had just left the house of the Duke of Cambridge, when a person with a stick aimed a blow at Her Majesty, and struck her in the temple, causing Her Majesty to fall back in the carriage. Her Majesty soon recovered, and was enabled to return directly to Buckingham Palace. I had the honour of seeing Her Majesty a short time afterwards, and it is hardly necessary to inform the House that Her Majesty acted on this occasion with her usual fortitude and courage. I am very sorry to be obliged to add, that the person who made this brutal attack was a person in the dress of a gentleman, and who has held a commission in the Army. Whatever may be the legal character of the crime he has committed, of course it is my duty at present to abstain from speaking of it; and I am sure the feeling that was manifested last night of loyalty and attachment to Her Majesty will be universal throughout this country, and that our prayers will be all the more fervent for Her Majesty's safety, and that Her Majesty may enjoy a long life, and continue to act for the benefit of Her people.

THE EXPOSITION OF 1851 IN HYDE PARK.

SIR DE L. EVANS felt himself called upon, in the discharge of his duty to his constituents, to take advantage of the Motion for the adjournment of the House to say a few words in support of the petition which had been presented by the hon. and gallant Member for Middlesex with reference to the proposed erection in Hyde Park. He should be sorry if it was supposed for one moment that he wished to throw any obstacle in the way of the exposition that was intended to take place. On the contrary, he regarded it as a conception which reflected the highest honour on the illustrious Personage with whom it originated; but he thought some other

locality than Hyde Park would require to be selected if it was desired to conciliate the public feeling in its favour. There was strong excitement on the subject; and he felt himself called upon, from a regard to the interests of his constituents, to submit to the noble Lord that there was another locality equally convenient with Hyde Park, and one which the public would far more desire to see selected. He referred to Battersea-fields, a mile and a half from Hyde Park, where by Act of Parliament the Woods and Forests had power to construct a bridge, if found necessary for the accommodation of the public, and to form a park. This locality would admirably suit the purposes of the exhibition; and if it was arranged to take place there it would materially contribute to the formation of the new park, which he thought had been too long delayed. There was the strongest objection throughout the metropolis to the erection of buildings in Hyde Park, which was generally admitted to be one of the finest in the world. Such objections could not apply to Battersea, with respect to which he believed the hon. Member for East Surrey was able to give some useful information to the House.

MR. HERRIES did not rise to speak on the subject referred to by the hon. and gallant Member for Westminster. In the remarks which he had just made, he had called the attention of the House away from a subject still more important, introduced to their notice feelingly and appropriately by the noble Lord at the head of the Government. When the noble Lord concluded, he (Mr. Herries) was under the impression that his Lordship was going to propose an address to Her Majesty expressive of the feelings of the House on the subject to which he had alluded. He had no doubt that the noble Lord was governed by precedent in the course he pursued: but at the same time he (Mr. Herries) could not refrain from stating that if it was the noble Lord's intention to carry to the foot of the Throne an expression of the sentiments of the House upon the shameful attack made upon Her Majesty's person, he would be most cordially responded to.

LORD J. RUSSELL, in reply to the remarks of the right hon. Gentleman, had to state that he had fully considered this subject. On the last occasion on which an attack was made upon Her Majesty, it was thought better not to present any address to Her Majesty, as it would only

have given to the circumstance an importance which it was not desirable to impart to it, and he thought the same course should be taken now. If he had been disposed to move an address, he certainly should have felt perfectly sure of the entire concurrence of the House.

SIR R. H. INGLIS and Mr. HUME rose together. The hon. Member for Montrose at length resumed his seat.

SIR R. H. INGLIS said, he apprehended the Speaker had done him the honour to call upon him last. The hon. Member for Montrose might have been called upon by the Speaker every hour of every day in the Session, but that did not give him a vested interest in the ear of the House, seeing he (Sir R. Inglis) had been called upon last, and therefore, according to all the rules of the House, he was in possession. He did not rise to speak on the subject, even of an address to Her Majesty, which had been alluded to, nor on the subject of the proposed building in Hyde Park, which he thought was most inopportune introduced by the hon. and gallant Member for Westminster. But he wished to say that when that hon. and gallant Member rose after the noble Lord, his impression was, that he did so for the purpose of expressing in the name of the Army his sentiments with reference to what had occurred—that he rose to express his regret and surprise that one who had had the honour of bearing Her Majesty's commission should have committed an outrage so cowardly as to strike a woman, that woman a mother, and a mother in the presence of her children, and that that mother should be the Queen of England. He believed that in the bosom of every soldier, and, he hoped, in that of every civilian, there was the deepest feeling of shame and indignation at the commission of this outrage; and it was simply for the purpose of expressing what he believed to be the universal feeling of the House on the subject, that he had risen to address them.

SIR DE L. EVANS did not think he had deserved the attack of the hon. Member for the University of Oxford, for he did not utter one word on the subject of Hyde Park until the Speaker put the question after the noble Lord sat down. With regard to the attack upon Her Majesty having been committed by a soldier, he did not believe that statement to be correct—he could not for a moment believe that the person could be a soldier.

MR. HUME considered that the obser-

vations of the hon. Member for the University of Oxford were not called for. It had been his (Mr. Hume's) intention, if the hon. Baronet had not interposed, to have stated that he did not think there was any necessity for an address to the Throne on this occasion. He was confident that only one feeling of indignation would be felt from one end of the country to the other on the subject, and that an address from that House would only be annoying to Her Majesty. It would be well if the hon. Baronet would be a little more judicious, and a little more charitable in his feelings to others, and allow other people to have their opinions, although they might differ from his own. But the hon. Baronet would seem to monopolise all the spirit of loyalty to himself. ["Oh, oh!"] The House must allow him (Mr. Hume) to think so. With respect to the exhibition, no man was more anxious that it should succeed than he was. But what he wished the Government to consider was not so much the situation in which the building was proposed to be erected, as the manner in which the building was to be constructed. Instead of its being formed of solid walls and made a structure which would create alarm to everybody in the neighbourhood that it was intended to be a permanent building, he would propose that the erection should be a temporary building of wood and iron, and which there would be no difficulty in removing again.

MR. LABOUCHERE said, with regard to the apprehension felt as to this building being intended to be a permanent building, he could assure his hon. Friend that there was no such intention. On the contrary, it was expressly stipulated in the contract for the construction of the building, that the whole should be carried away immediately after the exhibition. With regard to Hyde Park or any other place being selected as the site of the building, he would request the House to allow him to defer the expression of any opinion upon that subject until Monday. It was the intention of the Commissioners to meet to-morrow, for the express purpose of considering the whole question. He was not authorised to hold out to the House that the Commissioners would recommend that the site should be changed; but this he could state, that the whole question would be fully and fairly considered. He therefore hoped the House would withhold its judgment till Monday.

MR. B. OSBORNE could not consent to withhold his judgment, or avoid speaking the opinions of his constituents on this subject. It was a pity the trees were cut down until the Commissioners had met. At least some public intimation ought to have been given before the trees were destroyed. As it was, they were cut down during the night. They were marked and cut down, just at daylight, before any one had any suspicion of the thing being about to be done. But the main question was as to the propriety of erecting so enormous a building in the park at all. Was the House aware of the nature of the building? The dome was to be as high as the Monument, and twice the diameter of St. Paul's. The walls that were to support the building were to be 60 feet high and 12 feet thick. The right hon. Gentleman had said that all this was to be carried away in a few months after the exhibition was over. After the experience he (Mr. Osborne) had had of an architect's promises, it would be difficult to make him believe that a building of such a magnitude would be removed in six months. He hoped, therefore, that the House would, in the first place, express a strong opinion against the building being erected in Hyde Park at all, but that, if it were to be erected there, then that it should only be constructed of wood and iron.

MR. GLADSTONE would just remind hon. Gentlemen that if there was to be a dome as high as the Monument, and twice the diameter of St. Paul's, there was no reasonable apprehension that the building would be erected before Monday next. The trees were irrecoverably gone, and the dome was yet to be built; he therefore hoped hon. Gentlemen would not proceed with the discussion any further, but allow the more important business of the House to be entered upon. He thought that course would be more decorous, and he was sure it would conduce more to the satisfactory settlement of the question.

MR. ROEBUCK knew as well as the right hon. Gentleman that the dome could not be erected between this and Monday, but what he was anxious to ask the Government was, that no determination should take place To-morrow that should be final and conclusive before the House had discussed the question on Monday. It was that which he was alarmed at. He was afraid that on Monday the House might be told that the Commissioners had discussed the question, and, after having

fully considered it, had come to the conclusion that the building must be erected in Hyde Park, and therefore any further discussion of the subject by that House was wholly unnecessary. That was what he was anxious to guard against.

COLONEL SIBTHORP said, he had given notice of a question as to the legality of cutting down the trees, and which he should put on Monday to the hon. and learned Attorney General, and at the same time take the opportunity of expressing his opinion with regard to the exhibition, and also with regard to the site.

The ATTORNEY GENERAL said, he should be in his place on Monday next, and would answer the question of the hon. and gallant Colonel.

LORD J. MANNERS asked whether the terms of the contract with the architect would make it compulsory on him to remove the building after the exhibition, or whether a discretionary power would be retained by the Commissioners for continuing the building, if they should think it necessary to do so?

MR. LABOUCHERE had not had the opportunity of considering the terms of the contract, but on Monday next he would answer the question of the noble Lord.

LORD J. RUSSELL said, that no subject had undergone more consideration than this on the part of Her Majesty's Government; and, after discussing the subject with the Commissioners, they came to an opinion that the best situation for the intended exhibition was Hyde Park; and in pursuance of that opinion they recommended Her Majesty to grant the site of Hyde Park for the building; but nothing further would be done on the subject before Monday, when the question would be again before the House; and he was not aware that anything had been so finally determined on that it could not be altered.

Subject dropped.

AFFAIRS OF GREECE—FOREIGN POLICY —ADJOURNED DEBATE (FOURTH NIGHT).

MR. COCKBURN said: I think, Sir, as I was personally and pointedly alluded to in the course of the debate last night by the right hon. Gentleman the Member for the University of Oxford, that the House will not consider me presumptuous if I trespass for a short time upon its patience. I am anxious, Sir, in the first place, if the House will indulge me for a moment, to set myself right with that right hon. Gentleman. He was pleased, in the course of

his observations to the House last night, to say that I had "sneered" at him. Now, I beg to assure the right hon. Gentleman and the House, that nothing on earth was further from my wishes or intentions than to show him the slightest disrespect or discourtesy. The right hon. Gentleman, with his accustomed talent, threw down the gauntlet on the floor of this House, and challenged a reply from any hon. Member to the facts which he stated, or to the principles of law which he then enunciated. I felt, Sir, at the time, as truly and as fully convinced as I ever was of anything in my life, that the right hon. Gentleman's facts were totally inaccurate, and that his law was utterly untenable. I ventured, therefore, to accept the challenge which he so threw out, and I meant by my cheer on that occasion—a mode which I believe to be a perfectly Parliamentary one of expressing that sentiment—to say that I was ready and anxious to accept the challenge of the right hon. Gentleman, and I am now prepared to answer him, although I am fully conscious of the vast difference of ability and disparity of power which exists between us; for the right hon. Gentleman, from his position, his high character, and, above all, his great abilities, is entitled to be treated with the utmost respect by every Member of this House. Having thus put myself right with the right hon. Gentleman, I must take the liberty of saying this, that in all my experience I never heard such a series of misrepresentations and misstatements as those which were made by the hon. Gentleman—[*Loud cheers, and cries of "Oh, oh!"*]—and I will undertake to prove this assertion, step by step, and position by position—if the House will grant me its indulgence and forbearance. I feel, however, the great difficulty in which I am placed in entering upon this debate. If I go into the details of the case for the purpose of showing the fallacies, both in the statements and arguments of the right hon. Gentleman, I shall be told, by and by, —because I have the misfortune of belonging to a legal profession—that it was a *nisi prius* mode of conducting my argument. I think, however, that the manner in which the discussion of this subject has been conducted both in this House and in another place, has given us abundant evidence that it is not those only who practise in Westminster Hall, who are possessed of the power of arguing in *nisi prius* fashion. For of all the pettifogging proceedings which I have ever known during my experi-

ence, this is the worst. It was so commenced elsewhere, and in the same spirit it has been conducted here. If hon. Gentlemen choose to introduce this subject to Parliament, and make a grave accusation against Her Majesty's Government, and then conduct it not upon the great principles of national policy and national honour, but by raising questions of minute details and technicalities, by grossly perverting facts and distorting evidence, and by an utter misrepresentation of what were the true principles that ought to govern this case, let them not be astonished if those who belong to the legal profession, whose habits are to criticise and investigate with logical strictness every species of evidence—to minutely analyse facts, as well as study the broad principles of municipal and national law—stung to the quick by the manifest injustice of this proceeding, should rush into the discussion; and, above all, let not the charge come from them that the men having those acquirements are treating the subject in a *nisi prius* spirit. I am now speaking for the interest of my profession; and I must say that I never heard an observation more ungracious, or made in worse taste, than that which fell from the right hon. Baronet the Member for Ripon (Sir J. Graham), following as it did the admirable speech of my hon. and learned Friend the Member for Oxford; than which a more masterly analysis of facts, and a more convincing speech, in point of argument and of law, I never heard. It certainly never was surpassed in this House, or in any other place. It altogether demolished the whole case brought against the Government in all that respected Greece. And yet the right hon. Baronet, because he found he was unable to grapple with the arguments of my hon. and learned Friend, nor even tried to do it, said, "Oh, it is not fair to deal with this great question upon such narrow ground, or with reference to the case of Greece alone—it is all founded upon blue books—a pack of rubbish—mere *nisi prius*—let us come to that which is the great issue to be decided by the House—the foreign policy of the Government." Now, that certainly strikes me as being a very odd position for the right hon. Baronet to take, when it is considered that the verdict which has been passed by the other House of Parliament against Her Majesty's Government, and in consequence of which verdict they are required to resign office, proceeded entirely not upon the question of

the general foreign policy of the Government, but exclusively and distinctly upon the line of conduct pursued by them in respect to Greece. The right hon. Baronet then went into the whole of the foreign policy of the country, leaving out of view the whole of the Greek case. The right hon. Baronet was followed by the right hon. Gentleman the Member for South Wiltshire, and he followed exactly in the same track, threw the Greek question overboard, and took his stand upon the foreign policy of the Government. Then came the right hon. Gentleman the Member for the University of Oxford, whom, I suppose, we are now to consider as the representative of Lord Stanley in this House—"Gladstone *vice* Disraeli am I to say, resigned or superseded?" There are, therefore, two cases before the House: the right hon. Baronet the Member for Ripon and the right hon. Member for South Wiltshire come forward and take up the question of the whole foreign policy of the Government; while the right hon. Gentleman the Member for the University of Oxford, arguing his case upon the *nisi prius* style, takes his stand upon the Greek question only. Which of these two different positions is the House to consider? Is it that of the right hon. Baronet the Member for Ripon, or that of the right hon. Gentleman the Member for the University of Oxford? It is a matter of perfect indifference to me. I am prepared to go into both. But I must say this, that I do not think, if you sever in your cases for the prosecution—if the hon. Gentlemen will allow me to use so technical a phrase—and shift the ground of your accusation from one point to the other, I claim as a right that we may be fairly heard upon both. And do not tell us when we meet you on the Greek case, that it is all mere *nisi prius*, but allow us to show you what the facts are, and what the nature of your arguments, and I will undertake to say that we will demolish your whole case, nor leave you a leg to stand upon. Sir, the case is thus, divided into two parts: the interference of the Government in Greece, and the policy of the Government with respect to the rest of Europe. Now, as I am following the right hon. Gentleman the Member for the University of Oxford in the debate, I must first deal with his case. Her Majesty's Government have, it appears, interfered in the affairs of Greece for the purpose of redressing certain wrongs sustained by the sub-

jects of this empire; and the point in dispute is, whether they were justified in the course which they took upon that occasion. Now, as it is impossible to dispute that in this instance the subjects of Her Majesty have sustained wrong—a fact which no one has attempted to deny—they were most unquestionably entitled to redress from the Government of the country in which they happened to be at the time they sustained such wrong; but if the laws of that country where these wrongs were perpetrated, afforded no means of redress, they became unquestionably entitled to redress from the Government of that country, and if the Government would not redress those wrongs, it was not only the right but the bounden duty of the Government of this country to interfere on behalf of its subjects, and to obtain redress for the wrongs which they had suffered. I take it to be a fundamental principle in the policy of all nations, that it is the right and duty of a State to protect its subjects against injuries sustained at the hands of other States, or subjects of such States. This has been the principle upon which nations have acted in all ages. The noble Lord who addressed the House the other night referred to the great principle that the Roman State never allowed a Roman citizen to be injured. But what said the right hon. Gentleman the Member for the University of Oxford to that? He said that it was because Rome exercised a universal dominion over the world; because it considered a Roman citizen as superior to the subjects of all other States, and by its universal supremacy and power was enabled to tyrannise over other countries, and obtain redress for the wrongs sustained by its citizens even in cases where they were not entitled to such redress. I dissent from that position altogether. I say that it was not after the Roman empire had become established, and had obtained its supremacy over the whole world, that that position was first taken up by the Roman State. It was a principle upon which it acted from the very earliest ages of the empire; and therefore it was that the great orator was entitled triumphantly to exclaim, with all the noble pride and triumph of a Roman, "*Quot bella majores nostri suscepti erint, quot civis Romani injuriâ affecti sunt, navicularii retenti, mercatores spoliati, esse dicerentur.*" It was not only before they had established universal dominion over the world that

they adopted this principle, but it was at a period in their history when they had to fight their battles for empire with other States upon almost equal terms, that they invariably asserted that first right and duty of a State to protect its citizens, and to obtain redress for their wrongs, when they sustained any at the hands of other States. That course, I take it, was not unknown to this country either in one of the most glorious periods of its history. What is it that, in spite of all the dark shades that rest upon his character, has made the memory of Cromwell illustrious? What, but that he would suffer no Englishman to be injured by any State or Potentate, no matter how great? But, after all, can the proposition be denied that the Government of a country is bound to obtain redress for, and to afford protection to its citizens when injured? The right hon. Gentleman the Member for the University of Oxford did not dispute that position; but he qualified it by saying, that British subjects living in foreign States, and sustaining any wrong there, either from the Government of the country, or any of the subjects of that State, are bound to have recourse to the tribunals of the country for redress, and if redress could be obtained from such tribunals, they are not to call upon the country of which they are the subjects to interfere. I cheerfully assent to that proposition, and I will undertake to make it perfectly manifest that in neither of the cases which have led to the interference of this country was there the slightest or most remote probability—looking to the law of Greece, and the condition of its tribunals—that any English subject, however injured, could succeed in obtaining redress from the tribunals of that country. Now I will take, in the first place, the case of Mr. Finlay. I do not intend to cite blue books upon this subject; the whole matter is capable of being placed before the House in a very short and succinct form. Mr. Finlay, it appears, was the proprietor of some land at Athens. That gentleman, with some other inhabitants at Athens, was anxious, when King Otho was in possession of the actual sovereignty of Greece, to induce the King to fix the seat of Government at Athens; and accordingly Mr. Finlay, with those other inhabitants, presented a memorial to the Government of Greece, proposing to give or sell the land which belonged to them to the Government, upon certain

terms, in order that it might be made applicable for the establishment of the necessary public buildings in Athens, with the view of inducing the Government to fix itself there. But they coupled their offer of the land with these conditions, that the land to be taken should be scheduled and set out within six months from the time of taking possession of it. When the Government came to Athens, the land of many of the individuals, which had been thus offered to the Government, was taken. Mr. Finlay's land, however, was not so taken. The land taken by the Greek Government of the other individuals was paid for according to a price which the parties had agreed upon; and it is easy to understand that the inhabitants of a city like Athens, possessing property, and being desirous of bringing the Government to Athens, should be perfectly willing to dispose of a portion of their land at a lower rate, if, by so doing, they could attain their object, as the existence of the Government to Athens would have the effect of enhancing the value of the remainder of their property. Mr. Finlay's land was not, however, taken upon this ground; it was taken some time after, by the arbitrary command of the King, without law or ordinance, or without anything whatever which could give a sanction to such a proceeding—nothing, except the arbitrary and absolute will of the Sovereign. That is a matter of fact upon which I defy any man to dispute. That being done, what was the consequence? Mr. Finlay's land was taken and converted into the palace garden of the King. Mr. Finlay applied for compensation in 1836; and according to the statement of Sir Edmund Lyons—who, I apprehend, notwithstanding the insinuations of the right hon. Gentleman the Member for the University of Oxford, is in every way worthy of credit—the proceedings of Mr. Finlay towards the Greek Government were characterised by the most gentlemanly moderation and forbearance; yet for six long years (until 1842), Mr. Finlay continued, from time to time, to put forward, kindly and temperately, his demand for compensation, but could not get a single farthing. Do not tell me that the delay arose from any dispute as to the amount of compensation which should be given to that gentleman. He could not obtain even the slightest answer to his communications. But in 1842, when this injustice became too grievous to be patiently borne any longer, Mr. Finlay addressed the noble

Lord who was at the head of foreign affairs of this country—not the present noble Lord, but the Earl of Aberdeen—who instructed Sir Edmund Lyons to apply to the Greek Government, and to enforce by all means in his power the legitimate demands of Mr. Finlay. What was the result? After a great deal of difficulty and delay, the King of Greece proposed to issue a commission to inquire into the claims of Mr. Finlay. But of whom was it proposed that the commission should consist? Of M. Glarakis and M. Manitaki, the Minister of the Interior. One of those persons was a most remarkable character; and Sir Edward Codrington, speaking of him in a public despatch, said that he was a man who had made himself notorious by fostering and encouraging pirates. The other was a mere creature of the King, and would have acted, if appointed, on the part of the King. Mr. Finlay, therefore, objected to this commission. Further communications took place, and no redress could be obtained. This was in 1845. Now, a commission thus constituted, Mr. Finlay was justified in repudiating. He said, very truly, "It is not an impartial tribunal; I can place no confidence in it; I will have nothing to do with it, but will appeal to the Government at home." He did so, and the present noble Lord, then at the head of Foreign Affairs, having inquired into the matter, a despatch was sent to Sir Edmund Lyons, instructing him to enforce the claim of Mr. Finlay. The King proposed another commission, which was appointed; and in the end, after all these years of evasion, shuffling, quirks, and chicanery of every description, it was agreed to refer the matter to arbitration. At first the Greek Government had the assurance to propose that it should have the nomination of the umpire; but, being shamed out of this extravagant proposal, a proper umpire was appointed. What was the next trick they resorted to? Why, they delayed the production of the necessary documents beyond the period of three months, within which period, by the law of Greece, an arbitration must be concluded, or it falls to the ground. The right hon. Gentleman (Mr. Gladstone) has stated that the delay had originated with Mr. Finlay; but this is not so: the blue book proves directly the contrary. It was the Government who asked for the delay. Now, was this fair of the right hon. Gentleman? Talk of *nisi prius*, indeed! At least lawyers held this at *nisi prius*—that

though they might use sophistry to induce a jury or a court to adopt their conclusions, it was a sacred duty not to mis-state facts. Well, then, Mr. Finlay could get no redress; but the right hon. Gentleman the Member for the University of Oxford says, he might have gone to the tribunals of the country. The tribunals of the country, indeed! They say, "a little learning is a dangerous thing;" but this is equally the case when applied to law. The right hon. Gentleman possesses every quality which would have made a most brilliant advocate. He has eloquence unlimited, subtlety unrivalled, casuistry unexampled; all he wants is a little knowledge of law. If he had not been a great statesman, he would have been a great lawyer, if he would only have condescended to put on the wig and gown, and acquire a little knowledge of the very first principles of law. I would advise him, if he would accept of my humble advice, to confine himself to that science of which he is so great a master—politics, and not to meddle with law. The right hon. Gentleman is ignorant of the fundamental principle of law—that a subject cannot sue the Sovereign. That is the rule in every country, with the exception of this. And why is it not the law in England? Simply, because, by the established usage and magnanimous practice of this country, the Sovereign, upon the petition of a subject complaining of a wrong sustained from the Crown, refers it to the first law officer of the Crown, and indorses upon the petition the important and solemn words, "Let right be done." And upon that the Sovereign condescends to submit Herself to an equality with Her subjects before the throne of law, and allows justice to be administered between Her and the meanest of Her subjects by the ordinary tribunals of the land. And, thank God! that we have tribunals, and that we have judges, who would administer the law between the Sovereign and Her subjects with as much impartiality, with as even a hand, and with as unbiassed a mind, as between any two ordinary persons. But is that the case in Greece? No! If the right hon. Gentleman had read these documents—and I will do him the justice, or rather the charity, to believe that he had only superficially looked at them—he would have found out what was the actual state of the law in Greece. I will tell you what Mr. Finlay wrote upon the subject; and the letter was forwarded to the

Greek Government by Sir Edmund Lyons, and they could not contradict it. Mr. Finlay said this—and this is the only document that I shall read from the blue books:—

"I solicit your attention to the reasons which render M. Coletti's reference to the Greek courts of law at variance with the principles of justice. My land was seized for the profit of the civil list, without any preliminary form, at a time when the Greek Government was virtually despotic. Repeated acts of oppression at last caused the revolution of the 3d (15th) September, 1843. That revolution, however, kindly allowed a veil to cover the unconstitutional acts of the preceding years of the monarchy. Now, my demand for indemnity is really no claim on the regular administration of the Greek Government, but is directed against the civil list, to obtain redress for an arbitrary exercise of the royal prerogative, at a period when the constitution of Greece was in abeyance, and when it was impossible, as M. Coletti is aware, to bring any action against the crown before the courts of law. The state of things is now changed in Greece; and, under the present constitution of the country, the civil list cannot act except by agents, who would become individually responsible for infractions of the rights of property, and might be personally sued before the existing courts of law for any illegalities they might commit. This was not the case when I was deprived of my property; and the Bavarian officers who acted as the agents of the civil list were not only free from responsibility at the time, but they have long ago returned to Bavaria."

[Mr. GLADSTONE: What is the date of that?] It is dated May 25, 1846, at the time the Earl of Aberdeen was in office. Now, that letter was sent by Sir Edmund Lyons to Coletti, the Minister of Greece, and no answer was ever returned to the important allegations which it contained. I ask, then, had the right hon. Gentleman read that letter or not? If he had, why did he not state it to the House? If he had not read it, how can he reconcile it to himself, with that sense of justice which he, upon all occasions, so loudly professes, to condemn Her Majesty's Ministers, and to denounce the noble Lord at the head of the Foreign Office, without having first made himself master of the actual facts? [Cheers.] I understand that cheer, and it can only proceed from some hon. Member who is dead to all considerations of justice, who may think, perhaps, that anything is fair against a political enemy, and that they may lower and traduce a Minister like the noble Lord at the head of the Foreign Office, in the estimation of the country, by distorting facts and perverting evidence. But, I ask, what becomes of the position that Mr. Finlay could have appealed to the tribunals of the country against the King of Greece?

The King of Greece is utterly irresponsible, not only politically but civilly, to any of his subjects, and you can only seek redress, if you have sustained any injury, against the officers of State. In this case, however, the officers of State were not responsible, because this matter had occurred before the constitution by which alone even they became responsible, and were called into power. With respect, therefore, to the claim of Mr. Finlay, I think that case is pretty well disposed of. I now come to M. Pacifico; and I rejoice that we shall be able to discuss that case on its merits, and not on the ground of M. Pacifico being a Jew or an usurer, or, as it was ungenerously suggested behind his back, and when he could not defend himself a delinquent who had committed an act of forgery. All these questions are utterly beside the one at issue. And here, Sir, let me say, that I never felt stronger indignation than when I read the observations as to who and what M. Pacifico was and is, which have been repeated over and over again in that portion of the press devoted to the interests of Russian despotism, and which have been spoken over and over again by certain noble Lords who come forward either for their own behoof, or that of continental tyrants. According to these authorities, M. Pacifico is a species of Jew broker—a Jew usurer—a Jew trafficker—a hybrid Jew. And then, Sir, forsooth, we are told in the same breath as that in which such phrases are employed, that they are not used to prejudice the individual to whom they are applied. For what purpose, then, I ask, are they used? Why, Sir, even at *nisi prius* we should not stoop to such shabby artifices as these. Even lawyers would not resort to such mean and dirty arts as these; they would not think themselves justified in saying that, on a man sustaining a civil wrong and demanding justice, the question was to be tried by his character; yet that has been done again and again to prejudice this case. However, the right hon. Gentleman, in taking the place of those who had carried on this accusation against the Government elsewhere, thought it necessary to protect himself from being supposed to take any part in such acts as these. But the right hon. Gentleman has pursued the course followed elsewhere, of making the most of the abused extravagance of M. Pacifico's demand. But I will show the House that the amount of compensation claimed has nothing to do

with the question, and for this simple reason—it never was a matter of dispute with the Greek Government at all. The objection which the Greek Government took was to the principle of the demand, not to its amount. The dispute never advanced so far as to have anything to do with the amount. As for the wrongs inflicted on M. Pacifico, I need not dwell upon them. They are known to all the world. The man was outraged in his person, in his family, and in his property. The question, then, is this—was he entitled to redress? He may be a Jew—a broker—a usurer—a hybrid Jew—he may have committed an act of forgery. It is possible—although God forbid that I should believe such a charge against any man without the opportunity of answering it!—he may have been a forger: it did not lie in the mouth of the Portuguese Government to say so after having appointed him consul, first at Morocco, and then at Athens; but for all that he was injured, and therefore entitled to redress. Now what are the known facts as to his position? He had been living at Athens for many years in comfort and respectability—a substantial citizen, carrying on his business with the Greek people. Well, he was grievously injured. The right hon. Gentleman said, he ought to have gone before the Greek tribunals. What tribunals? He did go before one. He tried to proceed in a criminal court—with what success we know. A crime had been committed in the broad daylight—at noon—in the midst of Athens. The perpetrators were seen and well known. They were denounced to the police, and the police, in reply, contended that there was no evidence to fix their identity, and so let them loose again. So much for the honour and honesty of Greek tribunals. But the right hon. Gentleman says, why did he not go before a civil tribunal? Why did he not sue the rioters for damages? Good God! Is it possible that the right hon. Gentleman can be in earnest? Does he really consider us so weak, so gullible, as to be likely to swallow an obvious, a palpable, a gross absurdity, such as that? What! seek for compensation in damages from a mob—from a rabble of brigands, vagabonds, and ruffians in rags and tatters, who wrecked his house and stole his furniture? Is he to proceed for damages against such a horde as this? Let me ask the House—let me ask the right hon. Gentleman this question: suppose that in

some time of trouble and popular excitement a mob were to sack his house, as the mob sacked M. Pacifico's, would he bring an action against each and every member of that mob? We have had instances of such riots taking place, I think. Nottingham Castle was destroyed. It belonged to the Duke of Newcastle. Did he prosecute the mob for damages? The Marquess of Londonderry's house in St. James's-square was attacked, and damaged. Did he prosecute the mob for damages? The palace of the bishop at Bristol was burnt down, and property to a great extent destroyed. Did he prosecute the mob for damages? No; you don't proceed against paupers. There is nothing to be got out of them. Observe the difference between Greece and this country. England, with wiser legislation, proceeding on the principle that for injuries done in times of tumult, it was idle to leave the people to a remedy by civil action against the parties committing them, provided this wise regulation, that in the case of such injuries the local community, the hundred, should be responsible for the property which has been demolished. If, however, the property fall under a certain category for which the hundred is not liable, the Government is nevertheless bound to make the loss good; so that no owner of property need suffer from the lawless violence of mobs, which it is the business of the Executive to keep in order. If, then, this state of things had existed in Athens—if M. Pacifico could have claimed redress from the Greek tribunals, he was no doubt bound to go there. But I say he could not. It is idle to assert that he could. The right hon. Gentleman tells us that there are courts of law in Greece, that there is a regular bar there always ready to undertake the case of anybody applying to them. Is there? Stop a minute. M. Pacifico having been attacked a second time, and having made his complaint, the noble Lord at the head of the Foreign Office instructed Sir Edmund Lyons to institute a prosecution against the parties who had committed the outrage. What was the result? The offending parties had actually been apprehended, when M. Pacifico was told that he could not get a lawyer to bring his case on, and that such was the strict compulsion under which the courts were kept, that they did not dare to put themselves in opposition to the will of the Prime Minister of the country. But, says the right hon. Gentleman, the judges at Athens

administer justice impartially and fairly. There is a court called the Areopagus, and its judges are perfectly free to act according to the dictates of their conscience. Let me tell the right hon. Gentleman that he never laboured under a more complete mistake. The constitution undoubtedly provides that the judges shall not be dismissed at the king's pleasure; but they are so dismissed every day. And not only that; but the Greek Government have established this system—and it showed their Greek subtlety, as they have a number of courts of equal jurisdiction and authority—they transplant the judges from one to the other, as the purposes of each case may seem to require. When a particular case which the Government is interested in bringing to a particular decision occurs in a court, why then they transplant the judge on whom they can depend into that court. Let me cite an instance. An action was brought by M. Piscatori, the French Ambassador at Athens, against the editor of a newspaper published there, the *Athena*. This was in 1846. M. Piscatori was, of course, all-powerful with the Government. Well, the sentence was against the editor: two of the judges pronounced for his acquittal—three for his condemnation. One of the former, called, I believe, Disachi, was summarily dismissed, in the following curt terms:—"The King has been pleased to remove you from the bench." Well, the editor appealed to the court of the Areopagus, and on the eve of his case coming on, two of his judges who were to be were suddenly dismissed, without any reason whatever being assigned. I have these facts from authority upon which I can implicitly rely, and for their exact truth I pledge myself to the House. Again: there was a president of the court of the Areopagus, called Cleonares. He was dismissed upon the instant, without any reason assigned, but for causes of which no one who has listened to what I stated, can for a moment doubt. And after this you tell me that the Greek tribunals are pure. "Oh, but," says the right hon. Gentleman, "I produce Sir Edmund Lyons to prove my case. He says that the press is free, and the tribunals are fair and independent." True, Sir Edmund Lyons says so; but when? Sir, the reference to Sir Edmund Lyons shows that there are other texts besides those of Scripture which the—which certain persons can quote for their own purposes. The despatch in question was written in 1836, and under what

circumstances? King Otho having been advised by his father, as young gentlemen who have lived too fast and extravagantly sometimes are, to go and travel, and look out for a wife—of course, a rich one—obeyed the paternal injunction, and left his kingdom under the charge of Count Armanberg, who took advantage of the absence of his royal master to set matters a little to rights. Well, he began by reforming the tribunals, by making them independent. He set the press free—he established provincial councils, so as to give the people some sort of means of expressing their opinions on public matters—in short, he set the kingdom so far to rights, hoping, of course, that upon the return of his royal master he would reap the reward of his merits in a rich overflow of regal favours. Notice, however, of what Count Armanberg had been doing had, it seems, been conveyed to King Otho, who straightway returned in alarm, and before the boat which conveyed him from the ship touched the soil of Greece, Count Armanberg was ignominiously dismissed. Arbitrary dominion resumed its tyrannic rule—injustice, oppression, and wrong were re-established in their old supremacy; and such is the system which has ruled supreme in Greece ever since. Well, to proceed. The right hon. Gentleman dwelt last night on the case of the man Sumachi, who was tortured; and he set out by saying that he did not believe Sumachi's statement, and that Sir Edmund Lyons was just the man ready to receive and record any unauthenticated case bearing against the Greek Government. Sir, I say, on the contrary, that Sir Edmund Lyons is a man who, after eight or nine years' service as Minister of Athens, received, as a token of his Sovereign's approbation, the Grand Cross of the Bath; and I hope that a gentleman who has been thus specially and highly honoured, is at least entitled to have his official assertions believed, at all events until the contrary shall have been shown. But is this case of Sumachi a single instance? No. Torture has over and over again been applied in Greece. I have here a pamphlet recently published upon that country—a pamphlet, the claims of which to perfect credibility and high consideration are vouched for when I say that it displays upon its front the respected and respectable name of Mr. Alexander Baillie Cochrane. Now, I will tell you what that Gentleman says on the subject of Greece:—

"One word regarding the municipalities of Greece, which were even respected by the Turks, and to the confirmation of whose privileges the representatives of the three Powers attached the greatest importance in 1828. These rights, under the present administration, are only used as instruments of vexation, oppression, and persecution. In one year, contrary to the spirit of the constitution, 87 municipal officers have been superseded, and any persons elected by the people are immediately rejected, unless they consent to become the mere tools of the Government. It were idle to cite instances, for M. Coletti does not deny the fact, but contents himself with the very plausible declaration that this tyrannical power is never exercised except for the advantage of the people. We must assume that M. Coletti is under the impression that brigandage is another element of good government, for the following documents are but a very small portion of the evidence in my possession. A petition presented from Patras a few weeks since, and authenticated by all the leading inhabitants, states—'The members of the family Dimeoi, arrested by the Mirarque (the Government officer), were subjected to the torture for three days, and all their effects sold. Dimetri Nicalocupulo, accused of an insignificant robbery three years ago, was put to the torture, and expired soon after.' This unhappy man was denounced to the Mirarque as having stolen a cow three years since; the Mirarque ordered an ordeal by torture, the gendarmes bound him hand and foot, threw him down, and placed enormous stones on his breast and stomach, and then jumped upon them. In the last extremity, and in the hope of saving his life, he pleaded guilty, but it was too late; when the stones were removed he died; his young wife, who was on the eve of her confinement, was carried to the grave a few days afterwards. I translate parts of the petition from Messenia, but the tortures practised on the women will not bear description—in these cases the atrocity of the crime is the security of the criminal. 'Sire—Fifty citizens, dragged without excuse from the bosom of their families, and thrown into a damp and loathsome dungeon, deploring their loss of liberty, that last worldly blessing, cast themselves on your mercy. Sire, the tortures we have undergone are unheard of and horrible; some of us suspended by the feet; others, with their legs and arms bound, are laid upon the ground, and blocks of stone placed on their chests, their flesh torn and limbs mutilated. A robbery had been committed in our village in the month of October; on the 22nd of November, D. Soulis, lieutenant des garde frontieres, at the head of a detachment of soldiers, and without any instructions from the magistrates, desired them to seize eighty of us, and throw us into a cellar of a house of a priest named Papajanopoulos. Not obtaining any information, notwithstanding all the violence, some were released, and others conducted to their respective houses, where the most horrible tortures were inflicted upon us during the nights of the 22nd and 23rd; then, not having succeeded in making us admit ourselves guilty, we were taken to a lonely spot named Divari, thrown down, bound and gagged, with enormous stones heaped upon us; when we lay at the point of death the stones were removed, and we were set at liberty. These horrors, Sire, had a far different object to the discovery of a theft; for some time past the garde fron-

tieres have endeavoured to push us to acts of despair. But we, Sire, throw ourselves upon your Majesty's protection, imploring in tears and affliction the punishment of those persons who have so outraged humanity. We supplicate your Majesty to condescend to take efficacious measures to put a termination to those miseries which oppress your people, by excluding from the public service those persons who, instead of executing the laws, only substitute fearful tortures; and all these crimes are committed in the name of your Majesty.' At Lamia, on the 26th November last, two gendarmes and three soldiers entered the village of Daitza, where they took and imprisoned the authorities, and then having entered the cottages belonging to two men, Agrosioti Galatopoulou and Christos Tagana, seized the women, whom they treated with a brutality too horrible to describe, and then pillaged the house. It will be observed that these are outrages committed by officers and men in authority, and the instances might be multiplied tenfold, but it is hopeless to convey any adequate notion of the general disorganisation of the country, and the reader must imagine it after being informed that the Government actually amnesties the brigands; and not this alone, but the captains of banditti are empowered to delegate their authority to those employed under their command. I add one of the certificates:—'I, the undersigned, certify upon my conscience that the bearer of this note served under my orders in all my acts of brigandage that I committed, and that he always distinguished himself by his zeal. (Signed) KIAFFA'—this 'Kiaffa' being a notorious brigand. I admit that M. Coletti has this advantage, that these facts are hardly credible; but when M. Daniopoulou asserted in the Chamber that M. Coletti had amnestied no less than fifteen captains of banditti, whose names were alone sufficient to inspire terror, why did not M. Coletti, for the credit of European civilisation, make some attempt to refute these terrible accusations? M. Coletti's policy is to discredit the constitution."

These, then, are the men whom Her Majesty's Ministers are accused of not having treated with sufficient delicacy, courtesy, and respect. Torture, I repeat, is commonly applied in Greece. I can prove innumerable instances of it. One is so disgusting I cannot mention; and yet I ought to mention it—I will mention it. I feel that it ought to be told; that we may at least know what these people, of whom so much has been said, really are. How do they torture women? They attach cats to their naked persons, and then flog the animals, that in their furious struggles they may lacerate the flesh to which they are tied. Another species of torture is this—a man is tied hands, feet, and head together, and in this position flung upon the ground and bastinadoed. And still, Sir, the right hon. Gentleman is right—perfectly right—in saying that all such atrocities are forbidden by the constitution of Greece. But what is the value of that

constitution? I say, Sir, not so much as that of the paper on which it is written. It has been set aside—violated—outraged in every respect and in every way. It exists but in name; while oppression and corruption reign in unmitigated horror in its room. And now, Sir, I dismiss the right hon. Gentleman and his Greek argument. I trust I have given him and them satisfactory answers. Transcendent as are the abilities of the right hon. Gentleman, I believe that even his talents will not support a case when truth is in the other scale. That truth, if it does not prevail here, will prevail elsewhere. The country is beginning to appreciate what is the truth in this question. The country will fully appreciate, too, the motives which induce you, after four years of silence, now at length to come forward to attack the noble Lord at the head of the foreign affairs of this country. But, whatever may be the result here, I tell you that the people of England will only rally the more heartily around that Government which stands pledged to extend the safeguard of its power to all its subjects, in whatever land their business may have led them, and which is also able and willing, if on any occasion it may be too late to interfere for the purposes of protection—at all events to stand forward and to demand for them reparation and redress. The right hon. Baronet the Member for Ripon asks why the hon. and learned Member for Sheffield has carried his resolution beyond the limits of the Greek question, to which the resolution of the House of Lords was confined? I will tell him. The verdict in the other House was certainly taken in the case of Greece. This he asserts; this I admit. But will anybody tell me that had the verdict been taken on the subject of Greece alone, it must not have been, after the facts which I have mentioned, in favour of the Government? There is the hon. Baronet the Member for the University of Oxford insinuates that the resolution was purposely so framed as to avoid the issue on the Greek question. He says, you did not venture to take the debate simply upon Greece; you deemed it safer to enlarge the issue. I ask—I put it to the House—do you believe, after what you have heard, that the Government could have met with any other fate than a triumphant acquittal had the charges against them been confined solely to Greece? But I will tell you why—as I conceive—the hon. and learned Gentleman who brought for-

ward this Motion chose to make it embrace more in its terms than the resolution of the House of Lords technically and strictly involved; and I think I can also state the reason why the Government deprecated anything like a limitation of the present debate to the terms of the resolution already voted in another place. It is quite true that you framed your indictment in the House of Lords so as to limit it to Greece. But you conducted the discussion not with reference only to Greece, but to the whole foreign policy of the Government; and so, when you obtained your sentence upon one count of the indictment, you boasted to the whole world that that which was condemned was not merely limited to the resolution upon Greek affairs, but was in fact and in truth the whole foreign policy of the Government. Then, Sir, it was that the hon. and learned Gentleman said, I will frame my resolution so as to embrace the whole subject; there shall be no mistake about it; the verdict of the House of Commons shall be a full, an ample, and a decisive one. Well, then, having gone so far, let us take the whole policy of the noble Lord. But first, mark this—you brought forward that question only where it was not competent for the noble Lord himself to appear and reply. Oh! you know the power of his intellect—you know that he thoroughly understood all the facts you were mis-stating. It was here and in the noble Lord's presence that your accusations should have been made. But no, you remained silent, and allowed the matter to be brought on in quite a different way, and from quite a different quarter. Long have you sat there, and long have your tongues been tied, for reasons of course best known to yourselves. You say that the interests of the country have been injured—that peace has been jeopardised—that the dignity of England has been compromised, and her honour tarnished. Is this true?—and have you sat there in silence suffering such things to proceed? Nay, more, have you not actually supported the Administration which you say has produced these results? Why did you not come forward ere now? Did you not owe it to the country, to the House, to yourselves as statesmen, to come forward and say, "It is true that we are supporting you in your domestic policy, but we warn you that as to your foreign policy, that we can't support, and that a day will come when we must and will bring you to an account. Be wise in time. We are

your friends—your friends in private as well as in public." Why, I say, did you not act thus? There are not wanting opportunities. Hon. Gentlemen, who have been the open and fair and manly enemies of the Government, and whom I respect, have more than once brought this question forward. The hon. Member for Dorsetshire, on more than one occasion, introduced the subject of Spain; another hon. Gentleman brought forward the question of Neapolitan and Sicilian politics. The hon. Gentleman the Member for Buckinghamshire, with that eloquent sarcasm of which he is so perfect a master, has made many pungent and amusing observations on the foreign policy of Government. The matter, therefore, did not sleep. Surely, then, it was incumbent on you to raise a warning voice for the good of your friends. Well may the noble Lord exclaim, "God save me from my friends! I can save myself from my enemies." As for the right hon. Baronet the Member for Ripon, I do not know his motto, but I can furnish him with one, perfectly appropriate and perfectly at his service—"I bide my time." But what, after all, I beg to ask, is the gist of the complaints made against the noble Lord? Why, it is that he has been too fond of interfering in the concerns of other countries. Has he? Just let me hear your charges more specifically put. You have proclaimed, you have trumpeted them all over the world—you have put them into the newspapers until one is sick of seeing the same everlasting subject in the columns of the *Times*. Upon these charges the peal is continually rung—intervention—interference—getting the country into scrapes—involving us in war—and so forth. [*Cheers.*] Yes, very good; but pray when has it all happened? As the Scotch lawyers say—be pleased to condescend to particulars. But, no; no particulars seem to be forthcoming; only the right hon. Baronet opposite is there, eager to excuse his quondam friend and ancient colleague, of course with deep regret—oh, of course, with the utmost reluctance—oh, of course, but still animated by a stern sense of duty—burning with a pure, and noble, and exalted flame of patriotism, which can yield to no consideration of friendship or regard—here he is irresistibly impelled to come forward with the dismal list of accusations in his hand. Sir, these accusations branch into five or six distinct charges. Two of these involve, not the foreign policy of the Government, but the personal honour of the

noble Lord. I must own I did not see any of that reluctance, any of that deep pain and sorrow, which the right hon. Gentleman professed to feel on the occasion. There was the same bland smile which ordinarily enlightens and enlivens his countenance; though it certainly was ironed out the other day by the speech of my hon. and gallant Friend the Member for Middlesex. The right hon. Gentleman lays his charges on the authority of some French scribbler. The noble Lord has answered these two charges; and now, is there a single man in this House who has the slightest doubt or distrust of the noble Lord's word? I will not condescend for a single moment to break a lance with the right hon. Gentleman on these two charges, and I come to the questions of foreign policy. Now, what are these charges? They are three: they relate to Spain, to the disputes between Naples and Sicily, and to the disputes between Austria and Lombardy. In dealing with the question of foreign policy, you must, first, look at the circumstances under which the transactions took place. It was said by a noble Lord in another place, with a complacency which was quite amusing, "Four years ago you were on terms of amity and friendly regard with all the nations of the Continent, and now you have lost the amity and regard of them all." Yes; but does the noble Lord forget that four years ago Europe was in a state of profound tranquillity and repose? Does he forget that, during the period in which the noble Lord has had the direction of the foreign affairs of this country, Europe has been placed in a position altogether new, difficult, and trying? Does he forget the difficulties that have since occurred? Europe agitated and convulsed from one extremity to another, thrones subverted and tottering to their fall, the people everywhere excited, roused, agitated, and the question everywhere raised, whether there should be republican anarchy on the one hand, or absolutism on the other. What was the course which the noble Lord pursued? Where circumstances compelled him to interfere, or where he was invited to interpose his good offices, what was the course which the noble Lord pursued? He steered a middle course—he endeavoured to induce absolute monarchs to make timely and judicious concessions to their people—he endeavoured to induce the excited and irritated people, driven and goaded into rebellion by a long course of despotism and tyranny—he en-

deavoured to induce the people to listen to the dictates of reason and moderation; and had he succeeded, the condition of Europe would have been infinitely preferable to what it now is. But the honour is not the less to the noble Lord; and his merit in the eyes of his country and of the world ought not to be the less because, unfortunately, his counsels were not followed. But I come to particular charges. It is said the noble Lord interfered in the affairs of Spain. What were the circumstances of his interference? A revolution had just occurred in France—a republic had been established; the flame spread everywhere; it crossed the Alps; it spread through Italy; it entered Germany—Austria and Prussia felt its influence; everywhere revolution stalked abroad, and subverted existing institutions. What was more natural than to expect that Spain would also be subject to its influence? Could any man reasonably expect that that country, which for half a century had been the hotbed of revolution and insurrection, should escape? True, it did not so turn out; but there was not the less reason to expect it. I appeal to every man present, and by his answer I will be bound—did he not expect that Spain would be involved in the general vortex of revolution—that the throne would be subverted, and that a republic would be established? Under these circumstances what did the noble Lord do? He wrote a despatch to our Minister in Spain, telling him that if an opportunity should occur—he well knowing the dissatisfaction and discontent which existed there in consequence of the subversion of the constitution—he wrote to our Minister to say, if an opportunity should offer, you ought to suggest to the Spanish Government the wisdom and the prudence of making timely concessions. Well, it so happened, after our Minister had received that despatch, that, instead of adopting such principles, or acting upon them, on the contrary, the stern and resolute Narvaez determined to suppress the popular movement, even at the risk of imperilling the Crown and the Throne of his Sovereign. Our Minister thus found himself placed in a difficult position; and though it was not intended that he should show the despatch to the Spanish Government, but to communicate its contents according to the usual forms of diplomatic courtesy—yet, being anxious to produce a great, and profound, and immediate impression, he determined to show the despatch of the

noble Lord to Narvaez. The Government of Spain took umbrage at the form of this communication. The hon. Member for Montrose, whom I do not now see in his place—no doubt this is a sore subject for him; but it is the more important for him, because I understand he means to vote against the Government to-night—the hon. Member for Montrose got up in the House and justified the policy of the Government. He said that the Government were justified in interfering; that the Government of Spain had been guilty of the basest ingratitude—for it was never to be forgotten that we had thus far a right to interfere in their domestic concerns that we had been instrumental in placing the Sovereign upon the throne—that we had done so for the purpose of securing to Spain the blessings of constitutional government—a purpose which was notoriously frustrated; that Spain was, besides, deeply indebted both to this country and to the subjects of this country; and that therefore, in regard both for the interests of Spain and for our own interests, we were justified in interfering. And let the House attend to this remarkable circumstance, that till the despatch was communicated to the Foreign Minister of Spain, the Foreign Minister was in the habit of seeking the counsel and advice of Sir Henry Bulwer; and so long as these counsels were agreeable to his own inclination, he took no umbrage; but so soon as the advice went against his stomach, he said, I'll trouble you no more for advice—I shall seek my counsellors elsewhere. All this occurred two years ago, but it is now raked up by the right hon. Baronet the Member for Ripon, though Lord Stanley, in the House of Peers, never uttered a syllable of remonstrance. Aye, Sir, your friends always find out your faults more readily than your enemies. I shall now go to Sicily. What is the case of Sicily? Sicily enjoyed for centuries institutions as free as our own. She had a Parliament consisting of two chambers. Her Parliament enacted laws, imposed taxes, and acted in all respects like the Parliament of this country. This state of things continued down to 1811, and the consequence was, that when the rest of Italy, and the King of Naples' dominions—Naples itself included—fell off from their monarch, and joined in the French revolution, Sicily remained true and loyal to her King; and you all know that a British army was established in Sicily, and formed one of the main points of communication with the Mediter-

anean. In 1811, the King of Naples got into hot water with his subjects by attempting to enforce taxes upon them without their own consent, whereupon the Sicilians rose, the English Government then interfered, and a negotiation took place, which was conducted by Lord William Bentinck, on the one hand, and the King of Naples on the other; and the result of that negotiation was that the terms of a constitution were agreed to and adopted by the King of Naples and his people. I say that England morally guaranteed that constitution. That is denied, I know; and if you speak of a legal guarantee, I agree with you. I have now before me the memorandum of Lord Castlereagh, which was written in 1814, before the British army quitted Sicily. He says that Sicily called upon England to interfere to ensure for her the benefits of a free and liberal constitution—that England became the “protectress and supporter”—these were the words—the protectress and supporter of the constitution of Sicily; and upon the strength of our having done so, the Sicilian Parliament voted 7,000 men to join our army, and they fought in our ranks in Spain. What happened afterwards? The Holy Alliance, at the Congress of Vienna, disposed of the kingdoms of the world as if they were so many farms, and their inhabitants sheep and oxen. Among other things, they said that the King of Naples was to be established and recognised as the king of the kingdom of the Two Sicilies; on which said the King of Naples, “Oh, then, it follows that the independence of Sicily is gone—her constitution is at an end—Sicily merges into Naples; and as Naples is under an arbitrary Government, *ergo*, Sicily ought to be under an arbitrary Government too.” So things remained till the Sicilians rose, after years of unjust exactions and tyrannical government. They rose in revolution, and prevailed for a time against the King. They desired at first to establish a republic. The King found that he could make no head against them; he appealed to the English Government, and asked for their intervention. Now, I call the attention of the House to this—the King of Naples asked the Government of England to interfere between him and his subjects, and bring them to terms of moderation and reason. Was it wrong in the English Government to comply with this request? We had morally guaranteed the liberties

of Sicily. They had been robbed, shamefully robbed, of their liberties. Here was an opportunity to see justice done to both parties, and to endeavour to restore to the people of Sicily those institutions of which they had been so iniquitously deprived. The King invites the Earl of Minto to come to his assistance. I ask if the Government were not justified in allowing him to do so? The hon. Baronet the Member for Southwark—in a speech as remarkable as any one I ever heard in this House as coming from a liberal Member—the hon. Baronet said that he would judge of States as he would of individuals; and that there was no character more hateful than a man who was always meddling in his neighbours' affairs. But, Sir, there is another character more hateful still—the man who wraps himself up in the narrow circle of his own selfishness—who looks after nothing but his own narrow interests—who will not interfere for the reconciliation of friends—who will not bestir himself to preserve peace—who will not interpose with his good offices—the man who says, “I look only to my own narrow interests, don't hurt me and I won't hurt you—I don't desire to benefit my species—I don't care a rush for the benefit of my fellow men.” That certainly was not the principle on which we acted. Oh, but, say hon. Gentlemen, you were willing to recognise the Duke of Genoa. The noble Lord has given you a sufficient reason for that. The people of Sicily declined all further connexion with the King of Naples—they had had quite enough of his treachery and tyranny, and they determined to set up a republic, and at all events to establish a Government of their own. What said our Government? If you will have no more to do with Naples, at all events, don't set up a republic—you may do much better than that—you had better try a monarch of your own. Well, said they, if we elect the Duke of Genoa, will you recognise him? Yes, when he is king *de facto*. Now I ask, with such facts as these—and I challenge contradiction—has the intervention of Her Majesty's Government in Sicily been such as to entitle it to the abuse that has been heaped upon it, or does it justify you in saying that it has compromised the interests or the dignity of the country? There is yet another case, and that exhausts the charges against the noble Lord. The noble Lord interfered in the affairs of Piedmont and Austria. But at whose solicitation? The Emperor of Austria sent an

envoy to this country, asking the intervention of the noble Lord on certain terms proposed by the Austrian Government; and though the noble Lord was willing to adopt them, he states that he did not believe, in the present state of men's minds in Italy, there was the slightest chance of obtaining an agreement to them. The negotiation went off, and there ended the intervention. It went no farther. Oh, but, says the right hon. Gentleman the Member for the University of Oxford, it ought to have gone farther. If it had gone farther—if you had stopped the King of Piedmont—if you had interfered on the right side—for there is the gravamen of the charge: it is not that you interfered, but that you interfered in favour of constitutional liberty—if, said a noble Lord in another place, if you had interfered to stop the King of Sardinia from marching into Lombardy, Austria would have had no difficulty in putting down the insurrection there—then the victorious troops would have had no difficulty in marching eastward, and putting down the insurrection in Hungary, and thus the intervention of Russia would not have been required. But have you no sympathies for the Italian people? Can you not recall the eminent greatness and glory of the people—their mediæval splendour—their renown in arts and arms, and all those imperishable monuments of human greatness which they have reared? Do these things not touch your hearts? Have you no sympathy for the people—if they, who for so many years have been degraded under the leaden rule of Austria, thought that at last the day of their regeneration had arrived, and the establishment of that nationality which in their dreams they had pictured as rivalling the glories of ancient times—have you no sympathy for these men? Do you prefer that Radetzky with his Teutonic hordes should pillage their houses, and drive the best and noblest of their sons to those horrible dungeons, those *carceri du rissimé*, which have already filled Europe with horror, and turn that which was wont to be the garden of the world into a desolate wilderness and a desert? Are your sympathies with Austria against Hungary—that noble people who possessed a constitution as ancient as your own—whose nationality was secured to them by treaty upon treaty—who raised Austria at a time when that State was almost prostrate under a combination of the Powers that sought the dis-

memberment of the empire, but who are now sought to be absolutely merged in the Austrian empire, and to become a subordinate portion of the Austrian people? They said, "We have our own laws and constitution—we have sworn to preserve them inviolate—we have before drawn our swords for you in the time of national peril—we must now draw them in our own defence." This was the people whom Austria attempted to put down; but she had no power to put down that gallant population. But there did at last occur the intervention of the barbarous hordes of Russia; and your sympathies are for the butcheries of Haynau—for his military executions—for his scourging of women; your sympathies are for these things, because you say that order is restored. The hon. and learned Gentleman the Member for Abingdon fancies in his ingenuity that he can change things by changing names, but he is marvellously mistaken. Tyranny, absolutism, despotism, do not change their character because you call them order. Liberty, freedom, constitutional rights, do not change their character because you call them republicanism. No, Sir, these things will not deceive the people of England. The cause is the cause of civilisation and humanity all over the world. The question is, whether you will have absolutism on the one hand, or constitutional government and freedom on the other; and don't flatter yourselves, because for a time a despotic Government has prevailed—because order, as you call it, is restored in Europe—because the spirit of Hungarian liberty has been extinguished in the blood of the best and noblest of her sons—don't fancy that such a state of things is to last. There is not a drop of the blood that has been spilt that does not call to Heaven for vengeance. The generation that is to come, whose fathers have been gibbeted, and whose mothers have been scourged, they will yet revenge these atrocities. And you who complain of interference—you who complain that Her Majesty's Government has interfered in this case and in that—what do you say to the intervention of Russia—what do you say to the intervention of France? Who extinguished the liberties and constitutional rights of Hungary?—Russia. Who restored the old, worn-out, and effete Government of the Pope and his conclave of cardinals at Rome?—France. What right have Russia and France to take umbrage at the noble Lord because he has inter-

fered in favour of constitutional liberty, while they interfered in favour of arbitrary power? I have now disposed of these three instances of intervention, and I say, after all the abuse that has been heaped on the noble Lord on account of them, they come to nothing. They have not imperilled the peace and prosperity of the country. Where has there been the slightest chance of war, except from the recent misunderstanding with regard to Greece?—and that is all moonshine. That was not a case of intervention. The noble Lord was then protecting the rights of British subjects. In every instance of intervention, the noble Lord interfered only by giving counsel and advice; and that advice was excellent. Where has he endangered the peace of England and of Europe? Why, we remained at peace even when Russia interfered in Hungary; and I tell hon. Gentlemen opposite that if we had had the spirit of our fathers, and if we had not been crippled by the weight of a debt entailed upon us by our predecessors, I don't believe that this country would have stood a silent spectatress of the intervention of Russia. Be that as it may, I say that the policy of the noble Lord has nowhere led to the consequences which you hold out. I come back to the point from which I started, and it is this: you cry out against the intervention of the noble Lord, and say that it has been upon the wrong side; what then are we to expect if the policy of the Government should be changed? Are we henceforth to look smilingly and encouragingly on while the despotic Powers of the Continent carry out their designs to extinguish liberty, satisfied in return that our Foreign Secretary is treated with the expressions of fond endearment, and called "that dear Minister?" Let me ask you, is the doctrine that England should take a high position among the nations of the Continent—is that doctrine new? Do you forget the policy of Mr. Canning, when in 1820 the fabric which the Sovereigns of Europe had erected on the suppression of European liberty began to show that it contained the elements and seeds of its own destruction? When in Spain the gallant Riego, whom they afterwards took and hanged on a gibbet so high that he could not from it address the people, but whose name still lives in the memory of every patriotic Spaniard—when Riego stood forth and called upon the people to assert their right to the constitution of 1812—when the flame

spread—when all Europe threatened to become involved in the conflagration—when the Neapolitans actually rose in insurrection—what did the allied Sovereigns do? They first interfered and put down the constitution which had been established in Naples. We had at that time at the head of our Government a noble Lord who was not remarkable for his fondness for constitutional liberty—who was as “dear” to foreign despots as the Earl of Aberdeen himself—yet even he could not stand silently by while this intervention of arbitrary power was put forth against the liberties of the people, and he issued that celebrated circular, in which he remonstrated and protested against the intervention of the allied Sovereigns. There was afterwards assembled the Congress of Verona, at which the allied Sovereigns determined to interfere in the case of Spain—to put down constitutional liberty there, as they had put it down at Naples. What did Mr. Canning do? He was a Member of a Tory Government, and he sent as Ambassador to the Congress no less illustrious a person than the Duke of Wellington. What did Mr. Canning do? He protested and remonstrated against interference in the case of Spain; and the consequence was, that the sovereigns held their hands. It is true, he said, that England will not so far interfere in the affairs of the Continent as to go to war on that account; but, so far as remonstrance and the expression of opinion goes, she, regarding the principle of constitutional liberty embodied in her own constitution to be one of the first and greatest blessings that could befall a country, she would desire to uphold and extend it to all the rest of the nations of the world. It is known that France sent her troops, and overcame the constitutional Government established in Spain, and hanged Riego, as I before remarked, on a lofty gibbet. But when it was proposed to go farther than this, and to interfere in the war that was then raging between Spain and her insurgent provinces in South America, Mr. Canning came forward, and said, “No, you shall not. England won’t stand by and see this done. So far as European politics are concerned, we won’t wage war against you; though we tell you frankly our opinion. But if you attempt to interfere with the Spanish provinces, as you have interfered in Spain, rather than consent to it we will go to war.” That, I say, is a precedent for this case. The policy of the noble Lord, so far as European politics are concerned, is based upon

the principles adopted by Mr. Canning. It is a policy which the Parliament and the people of England have repeatedly sanctioned and approved; and I trust I do not flatter the noble Lord when I say, that the mantle of that distinguished Statesman has fallen well and gracefully upon him, not only as regards the foreign policy of that great Minister, but I must add, while the accents of his voice are yet ringing in our ears, and find an echo in our hearts—I must add, that he has also inherited that illustrious Statesman’s matchless eloquence. I have now gone over these various cases, and I protest I cannot see on what it is that you found the charge of undue interference. I admit that to those hon. Gentlemen who consider that peace is the great end and aim of existence, and that to peace all else is to be sacrificed—who hold that man was created by Heaven for the sole purpose of producing, and manufacturing, and consuming cotton—who recognise no nobler aspirations, no impulses of humanity—I admit to them, that peace is of the greatest importance to this country—not merely peace between this country and foreign Governments, but peace between foreign Governments and the people who are subjected to those Governments. I admit to them that peace is essential to the development of our industry, and to the progress of our manufactures. But I tell those men that every revolution and struggle in Europe is fatal to our interests, and I tell them that as matters now are, such things will frequently occur. Mark my words, unless the relations between the governors and the governed be placed on a more satisfactory basis, you may secure peace for the day, as men have before now bought peace at the price of their independence; but that is an unsafe and an uncertain condition of things. You had far better obtain peace, based and founded on principles which are likely to endure; otherwise you only put off the evil day. You may execute the leaders, and imprison their followers. You may decimate by military executions—it matters not. The time will come when the struggle will be renewed and renewed, over and over again, till freedom is at last secured. It would be far better to settle it at once, and to settle it as it can only be settled, by inducing arbitrary monarchs to act righteously by their subjects—by inducing the people to accept the counsels of mediation and peace. In that middle path the noble Lord has

walked. He has endeavoured—to use the eloquent language of Mr. Canning—to stay the plague on both sides. If he has not succeeded, so much the worse for Europe—so much the more pity for the condition of the world, but we ought not the less do justice to his exertions. I cannot sit down without adverting to ulterior considerations. I must look beyond the question of the day. We are now called upon to pass a censure upon the Government, which is to drive them from the helm of affairs. What is to follow? The resolution deals with the past; the state of things to which it refers has ceased to exist. There is no disturbance in Europe—there is no agitation. You have suppressed for the present all disorder and disorganisation—every thing is quiet—there is no necessity for attacking the Government on any present charge of intervention. Before you claim my vote in favour of censuring the Government, let me know what are to be the consequences of that vote—who is to take the government of the country if Her Majesty's Ministers are dispossessed of office? Which of you are prepared to do so? I take the liberty of addressing myself in the first place to the right hon. Gentleman opposite. You have supported the Government now for four years, on the ground that their domestic policy is essential to the prosperity of that commercial policy which you introduced, and which the Government have carried out. Well, you are now about to dispossess Her Majesty's Ministers. What are you prepared to do? As on other occasions, you may take one of three courses. You may yourselves assume the government of the country, or you may leave it to those hon. Gentlemen in whose opinions you have not always, and certainly not recently, concurred; or, as a third course, you may have a combination between yourselves and them. Are you prepared to adopt the first? I ask the two right hon. Baronets, one of whom has, I may say, opened the accusation against the noble Lord with as much special pleading, and as much *nisi prius* argument, as ever I heard—who has come forward on this occasion from a simple sense of duty which will no longer allow him to be silent, though he has been still for four years. I address myself to another right hon. Baronet, for whom I have always entertained, and unless he should now take a course which I hope he will not, for whom I shall continue to entertain, the most profound respect and admiration, for his high

talents, for his vast abilities, his statesman-like views, and, above all, for the great courage which he has displayed in maintaining his sense of right in defiance of the strongest temptations. I ask those two right hon. Baronets whether they are prepared to take the government of the country? If so, where is your staff? Where are your elements of power? Not in this House. When you consented to be seduced by the Delilah of free trade—when you were seduced by the Delilah of free trade, the Samson of Conservatism was shorn of his strength. Well, I don't suppose you are quite prepared to go to the country. If you do, you will be worse off than you are now, take my word for it. I don't suppose, then, that you will take the Government yourselves. For you can't suppose that hon. Gentlemen, the Members of the Protectionist party, who have been for four years fighting a manly, straightforward, and gallant battle against the Government, and have only been defeated over and over again by your support of that Government—you can't believe that they have been taking all these pains merely to let you walk in and take the place of the present Ministry. No, no, they are not so weak as all that. If they were, addressing them as agriculturists, I might well say—

"Sic vos non vobis fertis aratra boves."

Or if they are prepared to follow like sheep in the flock of which the right hon. Baronet opposite is the shepherd, we might be excused for saying to them—

"Sic vos non vobis vellera fertis oves."

Or bearing in mind a favourite quotation of the hon. and gallant Member for Lincoln—"ubi mel, ibi apes;"—so again—

"Sic vos non vobis mellificatis apes."

No, they are not so weak as all that. But what next? Are the Gentlemen of the Protectionist party to form a Government, and are you prepared to turn out Her Majesty's Ministers in order to bring them in? You have gone on for four years supporting the Government, and are you prepared now to oust them from office, to let in those who are sworn to subvert what you assert to be essential for the best interests of the empire? I cannot suppose that you will follow that course. Then there is a third course, which is that of a combination: and it is to that I alluded when I adverted to the possibility of a thing occurring that would make me

blush for the right hon. Baronet the Member for Tamworth; and I will not believe it—it cannot be that a statesman who has been bearded in this House by the leaders of that party—a statesman on whom their calumny, and contempt, and scorn have been heaped in language which I own I have again and again burned with indignation to hear addressed to him—I cannot suppose that he, for the sake of office, would prostitute his great name and his great honour, by a union with the party by whom he has been thus treated? It is a thing impossible! [An Hon. MEMBER: We won't have him.] I will suppose that he is no longer anxious for office. I will suppose that the consular dignity which he has so well won—the high station he holds in this House and elsewhere—the great things he has achieved—are enough to satisfy the ambition of any man; and power can add nothing to the greatness of such a man as he is. But then, I would ask, is it possible that some of those who have hitherto reposed under the shadow of his wing, are to leave the parent nest and venture forth to unite themselves with hon. Gentlemen opposite? If so, the country will understand why it is you come forward now to attack and condemn the policy of the Government. But that is not enough. We, whom you call upon by our votes to aid you in dispossessing the Government of power, are entitled to ask what are the terms and conditions of that unholy alliance? Now if there is to be a compromise—and I cannot believe that you will be so reckless, so inconsiderate in the duty you owe to your Sovereign as to drive the Government from office by an abstract vote on its past policy, unless you are prepared to see some Government established that is able to conduct the councils of the Sovereign—if there is to be alliance between you which I shall suppose to be the case until I hear to the contrary, I am entitled to call upon you to speak out plainly in the matter. It is no idle, no vulgar or impertinent curiosity that dictates the demand, but as a representative of the people who are interested in the government of the country, I am bound to stand forward and ask you to be candid. What are to be the terms and conditions of this alliance? I will tell you what I believe, judging from your conduct on the present occasion—I believe that the candour of the transaction will be here [the

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Protectionist benches], and not there. I cannot believe that the Gentlemen who represent the Protectionist party, and who have fought a manly fight in this House and elsewhere for principles which they believe to be just, but which I have ever conscientiously opposed—who have proclaimed again and again that they meant to take their stand upon those principles; who have agitated the empire from one end to the other in favour of these principles, I cannot believe that they are prepared now to abandon them. I believe, therefore, that the union will involve a compromise of, or deviation from, principle on your part. If it is not so, then I call upon you to speak out. Is there such an alliance agreed upon? If so, what are its terms and conditions? Are we to have a fixed duty or a sliding scale? Give us an answer—for once be frank and fair with us. Give us an answer: what are to be the terms and conditions—what are we, the Parliament—what are the people of England to expect? We have a right to fairness and frankness on such an occasion. Sir, until I know how that is to be, I, for one, will not, and I trust the independent Members of this House will not, lend themselves to what I can't help calling a very pitiful and mean conspiracy against the Foreign Minister of this country. Not that I fear it, for the combination which exist throughout Europe is not a combination of the people of Europe; and when the right hon. Gentleman the Member for the University of Oxford says we are a by-word and a scorn among nations, and that "Englishman" is a hated name, he says what is utterly incorrect. He identifies, as I understood him—for that is a necessity of his position—he identifies a nation with its arbitrary rulers. I tell him that the nations, that is, the people of Europe, do not dislike the English, but, on the contrary, our policy for the last few years has endeared us to them. They know the difficulties of our position, they make all allowance for the Government, they know it cannot interfere by force of arms, but they know that constitutional liberty in every quarter of the world has the sympathy of the minds and hearts of the British people, and they know that the Government exhibits the faithful echo of these sympathies. We have now arrived at a most momentous epoch in the history of this country—aye, and of the world. We are called upon to take our choice between two great antagonistic principles. Is the foreign policy of this

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country to be the foreign policy which the noble Lord and the Government have pursued—that middle policy between absolutism and republicanism, encouraging constitutional governments, but not interfering to establish them by military force; using only our moral influence, and taking the proud position which England is entitled to assume as the head of the constitutional nations of the world? The arbitrary rulers of foreign nations may endeavour to destroy Her Majesty's Government; but rest assured of this—when the nations of the Continent have at length succeeded in establishing constitutional governments, and in securing free institutions for themselves, and when their voices can speak out, they will look back gratefully to the sympathy we have shown them in their time of suffering and distress; and the influence which we shall maintain amongst them will be commensurate with that sympathy. The epoch on which we stand is not less momentous as regards the domestic concerns of this country; for the question we are now called upon to decide is, whether the Government shall yield the reins of power to a party who are bent on reversing the present commercial policy of the empire. I believe the policy which Her Majesty's Government have hitherto carried on to be essential to the prosperity of our commerce—essential to the great manufacturing interests of the country, to the welfare of the State, and, above all, essential to secure a steady and abundant supply of the food which shall preserve the famishing millions. I believe, then, Sir, that if I were to oppose the resolution of the hon. and learned Member for Sheffield, I would be betraying the best interests of the people of this realm, and the best interests of the nations of Europe—that I would be retarding the progress of civilisation and the welfare of humanity, and betraying the best interests of mankind; I shall therefore most cheerfully and unhesitatingly vote in favour of the resolution.

MR. GLADSTONE: Sir, The hon. and learned Gentleman who has just spoken has thought fit to accuse me of suppressing an important fact. The hon. and learned Gentleman has shown that Mr. Finlay had asserted that the courts of law in Greece could not give him redress, and the hon. and learned Gentleman has charged me with suppressing the truth, because I had not referred to the passage. Now I was perfectly aware of that passage.

I was aware that in the earlier periods of the controversy Mr. Finlay asserted that he could not obtain redress; but the passage which I quoted was written two years and a half later than the date of the passage referred to by the hon. and learned Gentleman. Mr. Finlay began by asserting that the courts of law could not afford him redress; and he ended by asserting, or rather by admitting, two years and a half afterwards, that the courts were competent to try the question as to the value of the land of which he was dispossessed.

MR. WALPOLE said, that the hon. and learned Member for Southampton had made two charges against hon. Gentlemen on his (Mr. Walpole's) side of the House: the first, that the question had been argued as a *nisi prius* question; and the other, that they had occasionally shifted their ground, at one time discussing the general policy of the Government, and, at another, confining themselves to the Greek part of the case. With regard to the first charge, he could not help thinking that the hon. and learned Member, in his attempt to answer the magnificent speech of the right hon. Gentleman the Member for the University of Oxford, had not altogether forgotten his own *nisi prius* practice. And with regard to the second charge, by which it was insinuated that they had, more or less, mistaken or misunderstood the policy of Government, it was clear to him, however that might be, that there could be no mistake as to the tendency of that policy, if it were to be judged by the speech of the hon. and learned Member. He (Mr. Walpole) would meet the supporters of the Motion upon the two points which the hon. and learned Member justly said that Motion involved—the first relating to the particular occurrences which had taken place in Greece, and the second relating to that general policy by which our intercourse with Foreign Powers had been conducted and carried on; and he thought he could show that in respect to neither was the course pursued by Her Majesty's Government calculated to "maintain the honour and dignity of the country," or to "promote peace between England and the other nations of the world." With respect to the Greek question, which was really a question of a twofold character, partly applying to national claims, and partly to those that were more strictly personal, he observed that the hon. and learned Gentleman had carefully avoided

one point—namely, the national part of the question, the claim upon the islands of Sapienza and Cervi. Now this and the personal claims must be kept quite distinct. The former depended upon, and must be determined by, the obligation to terms of international treaties; and the latter by the maxims of international law. With regard to the former, it was to be observed that the noble Lord the Foreign Secretary actually sent out instructions to the Lord High Commissioner of the Ionian Islands to take forcible possession of Sapienza and Cervi, without the consent of France and Russia, the two other guaranteeing Powers; and yet we were under distinct engagement that no force belonging to one of those Powers should be allowed to enter the new Greek State without the concurrence of the other two. By doing this, therefore, the noble Lord had jeopardised the peace of Europe, and compromised the honour of this country. He would concur with the noble Lord in saying that those islands were part of the Ionian States, if the noble Lord could make good his assertion that they originally formed part of the Republic of Venice; but that was, in fact, the whole gist of the question; and, while that was undecided, his sending a fleet was contrary to existing treaties, and the honour of this country was materially affected by it. With regard to the personal claims, he contended that they depended upon the maxims of international law. And what were those maxims? He would not argue the case as an advocate, but state what he believed those maxims to be. But before he did so, perhaps the noble Lord would here permit him to correct an error into which the noble Lord had fallen. He had charged a noble Lord in another place with imputing to the Queen's Advocate that he had written an opinion contrary to his own, merely to support the views of the Government. This was not so: what that noble Lord had really said, was merely this—that it was necessary to know the nature of the case upon which the opinion of the Queen's Advocate was founded, before they could know what value to put upon that opinion. He would now revert to the question before them, and state what he believed to be the maxims of international law, upon which the question must necessarily be determined; and, according to them, it might be generally laid down, that reprisals were allowable under no circumstances which did not amount to a denial of

justice. The hon. and learned Member for Sheffield seemed to treat the maxims of international law as if they were a something so vague and undefined as only to be determined by the arbitrary rule which different nations might put upon them. The principles, however, of international law were as well known as the principles of common law or the principles of equity; and the difficulty was not so much in understanding the principles as in noting the exceptions by which they, like all other laws, must obviously be modified. The general principle was simply this, as he had already stated—namely, that one State may issue reprisals for enforcing claims or obtaining compensation for individual wrongs, when justice was denied or refused by another. What, then, was a denial of justice? Justice might be denied in three ways: either by refusing to hear the party's complaint, or by studied and unwarrantable delays, which are equivalent to a refusal, or by a decision evidently and obviously partial and unjust. He would not quote the authorities, although he had them there; but those were the principles laid down by Vattel, and confirmed by all the jurists. The general inference to be drawn from them was, then, that reprisals were allowable in all cases where justice is refused by the act of the State ratifying and confirming the acts of individuals; but they were not allowable where justice has only not been done because the individual complaining of wrong has neglected to use the ordinary means of obtaining and enforcing it. Apply these maxims, and then let them see whether these claims were of such a nature as to justify the reprisals which had been made. In his opinion, the case of the *Fantome*, and that of the plunder of the Ionians, were cases in which reprisals might properly have been allowed, for the acts complained of were the acts, not of private individuals, but of the officers of Government. But those might be laid aside altogether, because, in point of fact, the reprisals, for which a fleet was sent to the Bay of Salamis, related solely to the cases of Mr. Finlay and M. Pacifico. Upon those two cases, everything depended. Now, according to all the rules laid down by the jurists, reprisals, in his opinion, were not justifiable in the case of Mr. Finlay, for this plain reason, that, although the previous long delay which had taken place might be considered as amounting to a denial of justice, his

claims were confessedly under consideration, and they were referred to arbitration in October, 1849. From that moment, therefore, all right to our Government to interfere by an armed force expired, and the *ultima ratio* ought not to have been called in, unless it was mentioned that the arbitration had failed. Neither, in his opinion, did the case of M. Pacifico justify an appeal to arms, because, as he could show, those claims had not been attempted to be enforced by M. Pacifico himself, and the noble Lord had not endeavoured to ascertain the fact beforehand whether every other mode of satisfying those claims but an appeal to arms had been attempted. He would prove not only that justice was never denied to M. Pacifico, but that the Government had never taken the trouble to inquire to what extent those claims had been pressed. Observe the dates; the injury was done on the 4th of April, 1847. On the 10th of May, the courts in Greece, which had been appealed to, had determined that for the present there was no case. On July 19, 1847, the noble Lord sent out a despatch to Sir Edmund Lyons, in which he required a statement of the nature of the claims of M. Pacifico, and properly requiring "satisfactory proofs of it." On the 8th of October, 1847, M. Pacifico wrote a most extraordinary letter to the noble Lord the Secretary of State for Foreign Affairs, inviting the noble Lord to become his champion and take up his cause. He then says, with adroit flattery—

"A strong hand, a firm will, are necessary to compel the Greek Government to perform a duty of equity and justice. That strong hand can only be yours, my Lord; that firm will, my just rights lead me to hope will be yours likewise."

That letter, he was afraid, had induced the noble Lord to take up the case without inquiry; for on the 30th of October, 1847, he wrote to Sir Edmund Lyons, not requiring satisfactory proofs, but boldly saying and at once deciding—

"With reference to this latter request of M. Pacifico, I have to instruct you to make an immediate demand upon the Greek Government for the payment of the sum due to M. Pacifico, for the ground taken for the royal garden; and you will at the same time inform the Greek Government that Her Majesty's Government will, as soon as possible, fix the amount which they intend to demand as compensation for the sufferings sustained by M. Pacifico."

Thus the noble Lord had never required that the claim should be one established by the tribunals of the country, or by a proper investigation; but he took upon himself at

once to say that the British Government would fix on the amount intended to be demanded for M. Pacifico, as a compensation for his sufferings, without inquiry. It had been said by the noble Lord that M. Pacifico had had no opportunity afforded him of obtaining redress from the Greek Government; but was that M. Pacifico's own view of the case? No; he said he would not apply for redress to the Greek tribunals, as he preferred the tutelary authority of the noble Lord, by an appeal to which he doubtless thought he could obtain a greater amount of compensation than that which would be awarded to him on evidence and proof. For, on January 24, 1848, M. Pacifico winds up his arguments in answer to M. Glarakis' despatch as follows:—

"I should then be very ill-advised in running the risks, more than uncertain, of a series of expensive proceedings, while I have a legal right to claim from the Greek Government equitable compensation for the wrongs which the Greek people have done me, and which the Greek Government has permitted, and while these just rights can be brought forward in evidence, and maintained by the tutelar authority of my Government, namely, by the British Legation."

Nobody could read these facts and attend to these dates without arriving at the conclusion that M. Pacifico never did apply, and never intended to apply, to the civil tribunals of the country, when for anything which appears he might have obtained justice; and also that the noble Lord never took the pains to inquire whether justice had been refused before he sent a fleet to the Bay of Salamis to demand reparation. He had therefore established that, according to the maxims of international law, reprisals were unjustifiable in either case for the personal claims of Mr. Finlay and M. Pacifico; and with reference to the national part of the question, it was clear, on the ground of international justice, that the noble Lord ought first to have applied to France and Russia. If this were the case, assuredly hon. Members could come but to one conclusion with regard to the Motion before the House, namely, that the course pursued by the noble Lord had materially endangered, if not the peace of Europe, at least the friendly intercourse between us and other nations. With respect to the general principles by which the foreign policy of this country was conducted, he thought the noble Lord was as little entitled to the approbation of the House as he was for what he had done in respect to his reprisals in the Bay of Salamis. If the

principles of the noble Lord were not those of propagandism, they were certainly, to quote the words of the right hon. Gentleman the Member for the University of Oxford, principles which took advantage of every circumstance, and made for itself opportunities to interfere in the internal affairs of foreign countries. But if such principles were really to guide our policy in future, he had no hesitation in saying that they would lead to perpetual confusion and disquietude; for if we had the right which the noble Lord claimed for himself, we must expect that other countries would also claim a similar right with reference to the views which they entertained. If we interfered for the purpose of establishing liberal institutions in other countries, because we thought they would be beneficial to them, why should not Russia, Austria, France, or America, interfere in a similar manner in other countries to enforce their notions of freedom and government? What jealousies and distrust necessarily would arise on every side, if such a course were generally adopted? Amicable intercourse, which now subsisted between nations, would be destroyed, and the progress of civilisation would be thrown back or retarded. Yet those were the principles of the present Government; and all the arguments of the noble Lord, powerful as they were, in applying those principles, must fall to the ground, if the foundation upon which that argument rested was shown to be unsound. The foundation of that argument, however, was evidently unsound, for it claimed for the Foreign Minister a right to interfere to enforce his own notions of government in other countries. But that, once admitted, would create at once so much disturbance in every other country, it would destroy so entirely the mutual confidence which ought to subsist between different nations, that if it were adopted, they could not hope the peace of the world would be preserved. In the course of the debate, the principles promoted by the noble Lord and those of other Foreign Ministers had been compared. It was the fashion to say that the Minister who immediately preceded him was in favour of absolute government, while that of the noble Lord was in favour of liberal institutions. But he thought the former had this advantage, namely, that, while he maintained peace with the more liberal Governments, he secured the friendship of the less liberal Governments—he remained at peace with all, instead of only

retaining the friendship of some—whereas the noble Lord who now held the office of Foreign Secretary, was regarded with distrust even by the most liberal Governments, and with open dislike by the others. They must, however, not only judge of the policy of the noble Lord by the tendency his principles naturally had, but by their actual results; and here he challenged the comparison which had been instituted between the policy of the late Foreign Minister and the policy of the noble Lord. The policy of the Earl of Aberdeen had been admirably drawn by the masterly hand of the right hon. Baronet the Member for Tamworth, when he quitted office in 1846. The right hon. Baronet had truly said that—

“ The Earl of Aberdeen dared to keep in view the moral obligation of the Christian Minister of a Christian country to maintain peace wherever he could, and to avoid on all occasions the risk of war.”

But admitting this, and admitting the force of the moral obligation, he told the House with perfect truth, that “ no Minister was less inclined to sacrifice the interests and dignity of this country.” Acting on that policy, the Earl of Aberdeen might well have his policy advantageously compared with that of the noble Lord opposite. It was singular enough—and he would rest the issue upon that one point—that the two policies might be well tested by reference to two quadrennial periods in which respectively the two Ministers were in power. The Earl of Aberdeen came into office in 1842, and quitted it in 1846. The noble Lord opposite came into office in 1846, and he was still in office in 1850. Now, compare these two periods. When the Earl of Aberdeen came into office in 1842, everything in Europe was more or less disturbed. England was viewed by some nations with dislike, and by more with distrust. The bonds of friendship which united us with France had been nearly broken asunder by the expedition to Syria. In Asia, we had sustained the most fatal reverses. In America, there were difficulties which threatened a rupture in respect to the boundary between Canada and the United States. It was on this troubled and perilous sea that the Earl of Aberdeen embarked in 1842. Four years passed over our heads, and what had happened? The bonds which united France and England were riveted again more strongly than ever; in America, the differences respecting the

boundary question were equitably adjusted; in Asia, our great reverses had been more than vindicated in the defiles of Afghanistan and upon the banks of the Sutlej. Such was the first quadrennial period, and when we consider it and see at the same time that we were at perfect peace with all the nations of the world, the policy of the Earl of Aberdeen might well challenge the admiration of the House and of the country. Now, what followed? When the Earl of Aberdeen was succeeded by the noble Lord, we then commenced the second quadrennial period, which is now just terminating. Could the noble Lord say that the line of the horizon was now as clear and as bright as then? Could the noble Lord say that we were now at perfect peace with all the Powers of Europe? Could the noble Lord say that our amicable relations were anything like so strong as they were in 1846? To the former of the two periods we could revert with pride and look back with pleasure to alliances renewed, to friendships restored, to disasters overcome, to disgraces wiped away, to fresh glories and new honours, and triumphant achievements, and, what he thought more important than all, to the perfect amity, peace, and goodwill which necessarily flowed from the calm, enlightened, and dignified policy of non-interference. In the latter of those periods, bright as was the prospect with which it commenced, we must trace the history of that fatal policy, which intermeddles with everything, and settles nothing—we could read it in the summary dismissal of our Minister from Madrid—in the sudden withdrawal of the Austrian Ambassador from the Court of St. James's—in the deep humiliation of the King of Sardinia, whose treacherous ambition, he was afraid he must say, had been aided and abetted by the noble Lord, against a friend, a kinsman, and an ally—he might read it likewise in the mission of the Earl of Minto, whose course through Italy he could liken to nothing but the fabulous influence of the dim eclipse, which shed over the nations through which he travelled, disastrous twilight, while with fear of change it perplexed the rulers of them—we must further trace it in the degradation of the Pope, whose imprudent vanity as the patron and partisan of liberal institutions we fostered and encouraged, until they reacted most fatally on himself—in short, we must read it in disappointed Italy—in offended Russia—in estranged

Austria—in alienated Germany—in the averted looks with which our former most valued allies now regard us—and, to sum up all in one brief sentence, we might mark it everywhere in the partial hatred, in the general disquietude, in the universal distrust with which our policy was now received by every nation upon earth. With this conscientious estimate of the policy of the noble Lord, he could not vote for any Motion which affirmed that a policy like that which he had described could conduce to the honour and dignity of England, or was calculated to preserve the peace of the world.

MR. M. MILNES said, that, but for the accidental circumstance of his being the Seconder of the Motion, he should not have presumed to have taken part in a debate which, in his own experience, was certainly the most full, the most striking, and the most able on both sides of the question. As, however, he had given some little attention to the subject, and was aided by having had ocular demonstration of many of the events before the House, he would confine himself especially to those points. It had struck him, and he was sure it had struck others, that the chief characteristic of the noble Lord's speech was not its singular lucidity of expression, nor even the noble and generous sentiments which had found so enthusiastic an echo in the House, but the plain and sensible statement of facts which it contained, and the ample refutation it presented to all the suppositions, suspicions, and accusations which had been brought against him. He also thought, in common with others, that it was a subject of regret that the explanations contained in it came so late, and he could not help thinking that if the representative of the Foreign Office was more in the habit of communicating with the House on those subjects, and letting them, as it were, a little more into his confidence, it would not be possible to raise such a structure of suspicion and injustice as that with which the noble Lord had now to contend. He had no complaint to make against those hon. Members who had brought forward charges with such an array of suspicion; but he did complain of those hon. Members who, after the refutation of the noble Lord, and the detail of facts which he had given, continued to heap up accusations and to cast suspicions. He hoped the House would not hear anything further of certain circumstances which had been brought forward. He

hoped they would hear no more of the reasons which were assigned for the expedition of the Earl of Minto, and for the appearance of the British fleet in the Dardanelles; but, above all, he trusted that the grave accusation which he regretted to hear coming from the right hon. Baronet the Member for Ripon, that the noble Lord had contributed in any way whatever, by thought or action, to the deplorable events of the late French revolution, would never again be heard. The hon. and learned Member for Midhurst, who spoke last, had dwelt upon the want of success of the noble Lord, and of the general failure of his policy; but it was by no means just or reasonable to fix upon the events of one moment, and appeal to their issue as determining the failure or the success of a given policy. As well might hon. Gentlemen opposite fix upon the Greek question as upon any other which had presented itself during the last four years in which they were silent. Amid the greatest enterprises and achievements of public men in the history of the world, there never have been any which have totally been free from the imputation of failure. This might be said of the great interfeer, Elizabeth, who had established the Protestant religion, when the massacre of St. Bartholomew took place. The same might be said of William of Nassau, at the hour of his death; and the same might have been said of Mr. Pitt in more modern times, on the occasion of the battle of Austerlitz, who had died in the belief that he had failed. He (Mr. Milnes) did not believe that the policy of the noble Lord had failed. If his policy throughout had shown itself to be based upon wisdom and prudence, they had no right to use the argument against him of want of success; neither could the argument be maintained that the noble Lord was unpopular. It was very much the habit of gentlemen travelling abroad to take their opinions from the society into which they were accidentally thrown. At the present time the aristocratic party on the Continent, those who were in favour of absolute government, were very much disgusted at the failure of their efforts, and it was only natural that they should think ill of the noble Lord. Nor were those persons to blame who had rushed into rebellion and violence, if they disliked the noble Lord when the natural consequences of their imprudence descended upon them. The noble Lord had neither encouraged these people nor betrayed them. He repeated that the real estimate

of the public opinion upon the Continent was not to be gleaned from the casual conversations of particular coteries, nor from the misrepresentations which might appear in public prints devoted to the interests of party. He thought hon. Gentlemen would agree with him that, acting as the noble Lord had done throughout the whole of the disturbances which had taken place in neighbouring States, he had taken the worst possible course to gain popularity—that of being perfectly moderate between two extremes. If he had advocated either republicanism or absolutism, he would have had ardent admirers in various parts of Europe. But this he had not done. It had been said that the great fault of the noble Lord was his constant interference in the affairs of other nations; but he (Mr. Milnes) owned it struck him that the noble Lord would be more amenable to the accusation if he had interfered more, and thrown the balance of public opinion in this country into the hesitating scales of the world. It might be said that, if he had not arrested the French army in its passage to Rome, his interference would have been wise; and it might have been said that, if he had not interfered, the Austrians would have vacated Italy, and the Italians would have been independent. Or it might have been said, when Russia interfered in Hungary, that, if we had sent a fleet to blockade the Russian ports, that intervention would never have taken place. If they examined into the conduct of the noble Lord, they would find that the fallacy about his interference would fall to the ground. What had been his conduct toward those Powers of Europe, which we might consider as established in a firm form of government? In those countries where absolute government was not a fiction but a reality, was it found that the noble Lord had ever attempted to incite any nation whatever to make a change in their form of government? But, when we came to countries where absolute forms of government had failed of themselves—where despotism was not destroyed but worn out—where the king could not reign, not because of rebellion and anarchy, but because the affection and loyalty of his people had left him—in those countries, no doubt, the noble Lord might be said in some degree to have interfered. But had he interfered alone? Was it not in concert with the great Powers of Europe? In Belgium, in Portugal, in Spain, and in Greece—

countries which had risen into constitutional States under the auspices of England—no doubt the noble Lord had interfered; but he had done so to give the people those vents which we were led to believe were, in free countries, the safety valves to protect them from revolutions. This brought him to the consideration of our claims upon Greece. And here it occurred to him that hon. Gentlemen who had censured the conduct of the noble Lord in remonstrating with the Greek Government were not altogether familiar with the condition of that Government, or of the institutions of the country. He had been in Greece, and he thought he was to some extent acquainted with its constitution and forms of government. It had been his good fortune to have received the utmost hospitality from the party who represented English interests in Greece. He believed that in our relations with that country we had acted with a certain acerbity and persistence which might have been avoided. It was, however, very difficult for those who had assisted in the establishment of constitutional governments to leave them alone as substantial realities, and to declare that they would have nothing more to say to them. The truth was, that these countries, not being in the habit of constitutional government, were constantly applying for assistance and advice to those who had assisted in its establishment, and therefore it became a matter of extreme difficulty for a Foreign Minister to steer a course in which he was not either the leader or the opponent of a party. This was often the case, and it was almost impossible for the Foreign Minister of England to avoid exercising an enormous amount of influence, one way or the other. On the whole, he believed that the interference of England of late years had been exercised with great discretion and moderation. It had been exercised in Spain and Greece, where he had witnessed its effects, always for the advancement of constitutional liberty. He contended that the position of England in the Mediterranean was a defensive and not an offensive one, because, if we were to maintain our protectorate or our possessions there, we could not allow Greece or Spain to fall into the hands of a dominant Power. In defending the policy of the noble Lord from the accusations which had been made against it, he felt that he was addressing that small portion of the House who approved of the insular policy of the coun-

try, for he could not think that those who supported the Government of which the Earl of Aberdeen was a Member, which interfered quite as much as that of the noble Lord the Secretary for Foreign Affairs, could now come forward and blame him for the manner in which he had acted in constitutional countries. He confessed that he could not find in the administration of the affairs of the Foreign Office by the Earl of Aberdeen that difference, as compared with the administration of his noble Friend, which hon. Gentlemen opposite appeared to see. He denied that there was anything different in the policy of the noble Lord, which ought to induce hon. Gentlemen opposite to risk the peace of the country, and the dignity of their fellow-subjects, for the purpose of turning the noble Lord out of office. It was true that, since the Earl of Aberdeen had quitted office, they had heard demonstrations from him which appeared so contradictory to his former policy, that it was difficult to imagine how opposition could alter the tone of so great a man. The Earl of Aberdeen had recognised the French revolution of 1830 as early as the noble Secretary for Foreign Affairs had recognised that of 1848; but since 1848 the Earl of Aberdeen had blamed the policy of the noble Lord with reference to the Republic, and had constantly been sneering at that great country. He owned he was left to the conviction that, in this important crisis of affairs, the question at issue was, whether England would adopt the constitutional principle throughout Europe, or join that combination of absolute power which at this moment threatened to overthrow all the good which had been effected. If they were now to prevent the development of free constitutions, they would have to announce to the world that the onward march of improvement was stayed. They would have to tell Prussia that she should halt in the good cause she had begun; and if they let the Government of France believe it was the wish of the people of England to keep public opinion down by a display of military force, they would establish over the whole of Europe a great present evil, and prepare for France one of the most frightful destinies in the history of nations. Were there not countries at this moment whose cruelty and arbitrary exercise of power was heaping up retribution at no distant day; and was not despotic power making an attempt to destroy all that had been gained in the contest for

freedom? Was this, then, a moment to throw the moral weight of England in the scale of despotism against that of freedom? He believed the English people did not take that view of the question. If the chance of the division that night brought about a change of Government, and if that change of Government was preceded or followed by an appeal to the people of the country, before whom the facts of the case were put, he was confident that the temperate, calm, and moderate support which the noble Lord had given to free constitutions all over the world would meet with their cordial approval. He believed, if the people were told that it was this country of Greece—which England had called into existence, and for which she was now paying 240,000*l.* a year—that had treated British subjects with scorn and contumely, they would not find fault with the policy of the noble Lord. He believed that considerable misapprehension prevailed with reference to the constitution and legal tribunals of Greece. Those tribunals were gradually becoming as good as any in the world. If the case of Mr. Finlay and that of M. Pacifico had occurred twenty years ago, they would have been tried in the Consular Court of the Ottoman empire, according to our laws and customs, and the matter would have been disposed of long since; but in a new country of free institutions it was different, because it was expected that the claims of British subjects would be considered by the tribunals of the country such as they were, and that the same justice would be awarded to a foreigner as to a native. But it was said that we were treating a weak country differently to a strong one; but Greece had acted in a way in which no strong country would or could act. If the case of the insult to the *Fantome* had occurred in a strong country, such as Russia or France, the Government of the country would have hastened to make an apology. Could it be supposed, that if the property of an English subject had been taken or destroyed in the possessions of any of the German princes, reparation would not have been made? If the same thing had occurred in the kingdom of Bavaria, there would not have been any difference with the English Government; or if a French merchant's house were attacked in this country in an anti-Maynooth row, and proof were given of injustice inflicted, would any one suppose

that the House of Commons would have hesitated to make reparation for the outrage? If we erred at all in our foreign policy, would it not be much better to err on the side of excessive generosity? If this case were placed before the people of England, and if it were said to them, "Do you mean to ratify the resolution of the House of Lords, while the French, German, and American merchant is able to appeal to his country against injustice and wrong?" he was sure the unanimous voice of the people would affirm that policy which was consistent with the law of nations, and reconcilable with the dictates of moderation and justice. He believed that, by negating the Motion, they would leave the English merchant and the English traveller unprotected and subjected to outrages in all parts of the world. If the House should come to any such resolution, still he was convinced that the English people at large would entertain a different opinion, and that the question would again have to be debated in a very different temper and under less favourable circumstances than at present. Look at what happened in the case of Mr. Pritchard, and the solemnity of manner with which the right hon. Baronet the Member for Tamworth came down to defend him. On that occasion, the right hon. Gentleman said, "We will not leave the defenders and propagators of our faith unprotected." He (Mr. M. Milnes) believed that, if the House negated the Motion, great injury would be inflicted on the people of England. They would not, however, by any such decision, alter the law of nations, which was founded on the necessity of things, and not on any fantastical notions or logical subtleties. He would appeal to hon. Gentlemen opposite whether they might not find some more appropriate occasion to express their differences of opinion from the Government, and some worthier object to attack than his noble Friend. It was now four years since the right hon. Baronet the Member for Tamworth had retired from office, and he (Mr. M. Milnes) could not say with what admiration he had observed the constant and unfactionous support which the right hon. Gentleman and his followers had during that period given to the Queen's Government. They had supported the Government, not only because that on many points they agreed with them; but because they would not allow mere personal matters to disturb Her Majesty's Ministers in conducting the affairs of the

country. He regretted now that on a mere personal question, and one having no reference to our national greatness, they had come forward to create embarrassment. Surely hon. Gentlemen opposite must have observed that their mode of reasoning was small—that they had treated the question in detail, and left to them (the Government supporters) the duty of vindicating great principles. If, therefore, on this day—the anniversary of the right hon. Baronet's retirement from office—a new opposition was organised, it would detract greatly from the character and influence of himself and his supporters. Such an opposition, implicating, as it did, not only the character of a great statesman, but the honour and power of the British nation, would greatly retard those objects which they all had at heart, namely, the progress of civilisation and constitutional liberty over the whole of Europe.

MR. COBDEN : * It was my wish to have done to-night, what I so frequently do, to have given a silent vote, as nearly all the arguments on both sides have been stated by other Members much better than I could state them; but I have been referred to, in common with several other Gentlemen on this side of the House, as likely to take a course different from our neighbours on this occasion, and I therefore think it necessary to say a few words. First, I am anxious that, so far as I am concerned, the question should be put on its legitimate issue, and that it may not be suggested that I am here for the purpose of indulging in a personal opposition; I trust that, at all events, I may be exempted from any such charge. In the next place, I wish it to be understood, so far as I am concerned, that there is nothing in this case which involves any plot, conspiracy, or cabal of any kind whatever. The hon. and learned Member for Sheffield is the author of this Motion; do you accuse him of being in any plot, conspiracy, or cabal? He has taken the initiative in the matter, and those who participate in the discussion merely comment upon the resolution so submitted to them by the hon. and learned Member. Lastly, I hope I may be exempted, at all events, from the sweeping charge made against Members who do not support this Motion—that they are in the interest of despotism all over the world.

I have heard from several Gentlemen around me, some of whom I do not think extremely democratic, whom I have by no

means found always supporting extreme liberalism, very intolerant expressions towards those who do not take the same view with themselves in relation to the Government on this occasion. I will ask those hon. Gentlemen, do they think me an ally of Russia or of Austria? Do they think I have shown less sympathy for the Hungarians or Italians than they have—that I have less fervent cosmopolitan sympathies than they? If, then, they admit me to be as liberal as themselves, surely they may allow me the freedom of taking the view my conscience dictates in a matter which has nothing on earth to do with questions of constitutionalism or despotism.

As I understand it, the first thing before us is the conduct of our Government in Greece, though the hon. and learned Member for Sheffield has widened that question, by the wording of his resolution, so as to cover the whole foreign policy of the Government. But as to the conduct of our Government in Greece, why, if this subject had been set before us in February, or even in March, within a few weeks after we had heard that fifteen British vessels of war had assembled in the Bay of Salamis to blockade the coast of a friendly Power, there would scarcely have been any difficulty in approaching the subject in a calm and dispassionate way, apart from all the extraneous matter with which it has been now encumbered. Really, when those who oppose this Motion are off-hand charged with plot, conspiracy, and cabal, I am tempted to ask whether there has not been some little plot, conspiracy, and cabal to get up an artificial excitement in the country on this subject? Yes, I have seen placards and circulars; I am not speaking without knowledge. However, the question is, what was the conduct of our Government in relation to the affairs of Greece? I have not brought my blue books down with me, and I shall not read a single line to you; but, as there is much mystification on the subject, and as I wish to deal fairly with all, I will state the case in a few words, so that no one may take exception to it.

In the first place, Mr. Finlay, a Scotch gentleman, settles in Greece more than twenty years ago, taking up his residence at Athens, not as a merchant, not to promote British commerce in that quarter of the world, but as a denizen of Greece. He purchases land in Athens, and the neighbourhood; I have walked over the land,

and I saw the much discussed palace, just as it was rising from this land. He bought land on speculation, not only in Athens, but in the neighbourhood. Mr. Finlay thus became interested in the prosperity of Athens. The Court of Greece and its Government were at this time established at Nauplia; it was desired by the proprietors and inhabitants of Athens that the Government should resume its ancient and classic seat, by removing to Athens. The landed proprietors of Athens deeply interested in again making it the metropolis of Greece, instead of allowing it to remain what it was, little better than a village of huts, all signed an engagement with the commune or municipality of Athens, to furnish land for erecting public buildings upon, the price fixed being equivalent to about 3½d. to 3¾d. per square yard.

I do not intend to go through all the correspondence on the subject of Mr. Finlay's claim; I merely want to bring the matter to the point on which you must all agree. Mr. Finlay was one of more than 100 persons who thus sold land to the Greek Government; that is admitted by all parties in the correspondence. Among those proprietors who sold their land for palaces and public buildings were several foreigners, and among these foreigners were two whom Sir E. Lyons, in his first letter to the Earl of Aberdeen, speaks of as fellow-sufferers with Mr. Finlay, Mr. Hill, the agent of the Episcopal Society of America, and the Russian Consul General. These are facts that nobody denies. I do not desire to go into any controversy, but simply to draw the attention of the House and of the country to the fact that all the other proprietors of these lands, without exception, agreed to the terms, and accepted the terms, that were offered by the commissioners appointed by the municipality for that purpose. ["No!"] Does the hon. and learned Member for Southampton, with his blue book before him, mean to say that the fact is not stated in that blue book as I have given it? [Mr. COCKBURN: No!] Why, it is stated there expressly. ["No!"] Will the hon. and learned Member tell me that Mr. Hill and the Russian Consul General did not accept the money, or that they did not stand in the same position with Mr. Finlay? I know Mr. Hill; it is an honour to any one to be acquainted with him; for, as it is well stated by Sir E. Lyons, in that first letter to which I have referred, there is no one to whom the rising generation of

Greeks is more indebted than to Mr. Hill and his family. Now, the fact to which I wish particularly to draw your attention is this, that Mr. Finlay repeatedly refused to accept from the Greek Government the same price for his land as was eagerly accepted by Mr. Hill, and the Russian Consul for theirs; a long controversy ensued, and the result was the approach of our ships of war to the Bay of Salamis. I have not stated anything so far that any one can deny. Now, we come to M. Pacifico. M. Pacifico has his house outrageously attacked by a mob: that no one can deny; his furniture is destroyed; he sends in his bill to the Government, and, with that bill in our hands, our ships of war enter the Piræus. I blushed with indignation when I read the inventory of M. Pacifico's furniture. It is no matter of surprise that hon. Members have deprecated any allusion to the details of that bill, as if nearly the whole of this question was not a question of details. ["No, no!"] Why, with the exception of the apology required for the insult to the *Fantome*, all the rest is a matter of money. ["No!"] I beg pardon; I say all the rest is a matter of money, and your exclamations only show how you are acting in this case upon blind passion and party spirit.

M. Pacifico sends in his bill to the Government; he charges for a bedstead 150*l.*; for the sheets 30*l.*; for the pillowcase 10*l.*; for two coverlids 25*l.* This inventory is so deeply disgraceful to all concerned in it, that, first, you tried to evade the question, by saying the case was not one for details, and then you turned round and said that M. Pacifico brought all this furniture to Athens, to sell it to the King of Greece. But if we go into the bill for the personal apparel, the every-day wearing apparel of M. Pacifico and his family, we find there just the same sort of thing; it is all in unison with the 150*l.* bedstead. Why, there is a gold watch with appendages put down at 50*l.* for one of the items. And all this rich furniture and costly wearing apparel was claimed by a man who the next month declared himself ruined and destitute, and himself and family dependent on alms for their daily bread!

When I first read the account, I thought the whole thing was a mistake, and that, in writing out the bill, pounds sterling had been put down instead of drachmas, for I am pretty sure that in every case, drachmas instead of pounds would have

much more nearly represented the real value of the articles. Next comes the case of the plunder of the six Ionian boats at Salcina, and their demand for 235*l.*—for I will not enter into details; then the case of the four Ionians, who charged the Greek authorities with having outraged them, and thumb-screwed them, two at Patras, and two at Pyrgos; the Greek authorities controvert the statement of our Consul upon this subject, and the correspondence altogether puzzles us as to who is right and who wrong; but the noble Lord, nothing doubting, settles the matter in a few lines by ordering that the four complainants shall be paid 20*l.* each by the Greek Government.

Then comes the *Fantome* case. A British ship-of-war is lying off Patras; a boat goes on shore at nine o'clock at night, when it is dark; the coxswain lands, not at the usual place of disembarkation, but on the beach; on his return he is taken into custody by two officials, and, along with a midshipman and a boat's crew, conveyed to the station, in default of not giving a satisfactory account of himself, the Greeks, bear you in mind, not speaking one word of English, nor the Englishmen one word of Greek. Now, suppose a Frenchman landing in the same way from a boat, by night, near Brighton, not at the ordinary landing place, but on the beach, and observed by preventive officers, neither party understanding one word of the other's language, and mutual explanation being consequently impossible. Why, the block-ademen would at once put the landing party down for a French smuggler, and would take him into custody, and convey him to the station, where an interpreter being procured, the explanation required would be supplied, and the arrested person be dismissed with all proper apology. This was precisely what was done to the midshipman. As soon as an interpreter was found, and it was ascertained who the Englishman was, he was at once liberated, and respectfully conveyed to his ship.

There you have the statement of all our grievances against Greece. I will not go into the merits of them; say the Greeks were wrong, or we were wrong, just as you please; but admit they were wrong, and what I want to know is, whether the wrong was not one that might have been readily settled by other means than by sending fifteen ships of war into the Bay of Salamis? I know I take a very vulgar, mercenary view of the matter, but I re-

peat my question—Was there no other way to settle this question than by this immense array of force? It is quite evident that the only reason why this entire matter was not settled before was the bad spirit that existed between our representative and the Government of Greece. I do not speak disparagingly of Sir Edmund Lyons; any other functionary, under the same circumstances, could scarcely have been so long there, any more than at Madrid, or elsewhere, without getting mixed up with the local politics in the same way that Sir Edmund Lyons was. That was the reason why it was found that for six or nine months letters addressed by Sir E. Lyons to the Greek Government remained unanswered, and why there had been no adjustment of these petty differences until it was necessary to send fifteen ships of war to Athens.

Now, is there not something wrong at the bottom of this, and something that requires to be mended? Is it worth while to have an Ambassador there with 5,000*l.* a year embroiling you with the Government, and begetting bad blood and animosity? Why, I would rather have no one but a Consul at the Piræus, whose duty it should be to look after your commerce, and who should be told "Never to go to Athens at all, for if you mix yourself up with political matters, somebody else shall be appointed in your place." If you would do this, you would avoid the absurdity of having to employ fifteen vessels of war to collect a debt of 6,000*l.* But everybody said that something else was meant besides obtaining redress for injuries to British subjects in Greece. It is said that the noble Viscount intended this demonstration at Athens as a menace to Russia. But how does this answer its purpose as a demonstration against Russia? The moment the Court of Russia hear of the demonstration, I find that they send a remonstrance against the Government of this country—a remonstrance couched in language I never expected to hear from a semi-barbarous country like Russia to this: read, I ask you, the extraordinary language used by Count Nesselrode to Lord Palmerston, and then read the answer of the latter, and see how different is the tone adopted by him to a country which is powerful, compared with that he makes use of to one that is weak. Well, then, I ask again what was the advantage of this demonstration, when the only result of it is a hectoring epistle from Count Nesselrode, to

which the noble Viscount sent a very meek and lamb-like reply?

One reason why I abhor the policy of injustice and aggression—for I call it injustice and aggression to send ships of war against a weak country to enforce disputed claims which might have been amicably settled—is, that you place yourselves in such a position that you are obliged to submit to language like this from the Russian Court. And why are you obliged to submit to it? Because you are committing an injustice, and conscious you do so; for otherwise, so far from this country being in a condition to be menaced by Russia, such are the advantages you possess in your great wealth, and your maritime commerce, in the knowledge and use of mechanical science, and in the advanced state of the arts over Russia, that if you behaved with dignity to small States, she would not venture even to look at you disparagingly, far less to use such language towards you. I have asked why was not this affair settled by other means than by ships of war?

I now come to a part of the policy and conduct of the Foreign Office altogether irreconcilable to the notions of those hon. Gentlemen who did me the honour last year, to the number of eighty, of voting for my Motion in favour of international arbitration. I beg you to take a survey of my hon. Friends here, and ask, if you have not a consciousness of how they at least ought to vote on this question? The Motion I brought forward last year was to the effect, that in all disputes with other countries which you could not settle by amicable means, you should resort to arbitration. It is quite clear, it is said, that the noble Viscount could not resort to arbitration. My charge against him is, that he did resort to arbitration after having made use in the first place of fifteen ships of war. No sooner was this demonstration known than an envoy arrives from France with tenders of mediation. And now I must say, I have read, with feelings nearly akin to contempt for diplomacy, the accounts of what took place between the noble Lord at the head of the Foreign Office and M. Drouyn de Lhuys—I have read the French accounts, and the accounts in the blue books, and I have felt the most sovereign contempt for diplomacy. M. Drouyn de Lhuys came over in the most loyal spirit, as I believe, to offer to settle this beggarly affair of a few thousand pounds with Greece. He

told the noble Lord frankly, as a proof of his sincerity, and the noble Lord has repeated it in a letter to the Marquess of Normanby, that it would be useful to the French Government to be allowed to settle it, or, to use a common American phrase, that it would give them "political capital" in France. How did the noble Lord receive the approaches of M. Drouyn de Lhuys? Was it in the way that a man of business, accustomed to the management of affairs, would have done? Did he say, "We are much obliged to you; this affair of a few thousands has been a long time standing over, take it and settle it, and we shall be very much obliged to the Government of France?" Would not that have been the rational and reasonable way of meeting him? Instead of this, what does the noble Viscount say? He higgles with M. Drouyn de Lhuys over the different words to be used—over "good offices," "mediation," and "arbitration." I declare that both in French and English it fairly puzzles one to make anything out of it, but it appears, by the accounts, that the noble Lord insists he won't take "arbitration"—it must be "good offices." M. Drouyn de Lhuys, in the French account of what took place, given by him to General Lahitte, describes himself to have entreated the noble Lord to extend a little the powers of the negotiators—to yield to an arbitration. But no; the noble Viscount was determined to have what he demanded; and all he would require of France was to persuade Greece to give what he asked. Baron Gros went out to Athens crippled by these conditions, but he set to work at once with Mr. Wyse. I think it is evident Baron Gros had the most earnest desire to settle the matter. Indeed, his character as a diplomatist was largely connected with his success in arranging it, and he went to work evidently disposed to surmount every possible difficulty; but, when he came to the case of M. Pacifico, and heard from all he conversed with in Athens the real facts of the case—when he discovered it was a barefaced attempt at swindling, he gave up the effort to effect an arrangement in despair.

What was going on at the very same time in London? At this very same moment commence the "good offices" between the noble Lord and M. Drouyn de Lhuys. So he has two negotiations going, one at Athens and the other at London, and all to settle this paltry affair of a few thou-

strongly interested in anything relating to their domestic affairs or concerns. [*Cries of "The Russian Loan!"*] When I see that principle violated by others, as in the case of the Russian invasion of Hungary—and when I see a portion of the press of this civilised nation hounding on that semi-barbarous empire, then, believing that this is almost the only country where there is a free platform, and where it cannot be corrupted, as a portion of the press may have been, I shall denounce it, as I denounced the Government of Russia. But it is a matter of very small importance what my individual opinion may be when you come to the question, whether the Government of this country shall become the propagandist of their opinions in foreign countries. I maintain they have no right to communicate, except through the Government of other countries, and that whether it be a republic, a despotism, or a monarchy, I hold they have no right to interfere. Mark the effect of your own principle if you take the opposite ground. If you claim the right of intervention in your Government, you must tolerate it in other nations also. With what face could you get up and denounce the Emperor of Russia for invading Hungary after the doctrine advocated by the hon. and learned Member to-night, had been adopted by this country? I say, if you want to benefit nations struggling for their freedom, establish as one of the maxims of international law the principle of non-intervention. If you want to give a guarantee for peace, and, as I believe, the surest guarantee for progress and freedom, lay down this principle and act on it—that no foreign State has a right by force to interfere with the domestic concerns of another State, even to confer what you conceive to be a benefit upon it, against its own consent. What will you say respecting the conduct of the noble Lord in the case of Switzerland? He joined there in an intervention, though the great majority of the Protestant cantons protested against it.

But I come back to the principle. Do you want to benefit the Hungarians? I will tell you the sentiments of the leading Hungarians. I have seen them all, and I must say that, much as I admired them during their noble struggle, what I have seen of them in adversity has entitled them to still greater respect, for I never saw men endure adversity with more manly fortitude and dignified self-respect. They have avoided all expressions of sympathy from

public meetings, and (loathing the idea of being dependent on the charity of others) have sought, by emigration to America and elsewhere, an opportunity of subsisting by the labour of their own hands. These men say, "We don't ask you to help us, or to come to our assistance. Establish such a principle as shall provide we shall not be interfered with by others." And what do the Italians say? They don't want the English to interfere with them or to help them. "Leave us to ourselves," say they. "Establish the principle that we shall not be interfered with by foreigners." [Mr. ROEBUCK: Hear, hear!] I will answer the hon. and learned Gentleman's cheer. He seems to ask, how will you keep out Austria from Italy, and Russia from Hungary? Why, by setting a good example ourselves, and then, if necessary, by protesting against the violation of the principle by others. I will give him an illustration of what I mean. Does he remember when Kossuth took refuge in Turkey, and Austria and the Emperor of Russia demanded him back? I beg him to understand that that illustrious refugee was not saved by any intervention of the Foreign Secretary. Has it not been admitted that the Emperor of Russia gave up his claim before the courier arrived from England? What was it then that liberated them? It was the universal outburst of public opinion and public indignation in Western Europe. And why had public opinion this power? Because this demand for the extradition of political offenders was a violation of the law of nations, which declares that persons who have committed political offences in one State shall find a sanctuary in another, and ought not to be delivered up. But then the great Powers invariably obey this law themselves, and respect the neutrality of even their weakest neighbours; and hence the moral power which public opinion exercised when it protested against the demand of Russia and Austria. If our Government were always to act upon the principle of non-intervention, we should see the law of nations declaring itself as clearly against the invasion of a foreign country as it has spoken out against the extradition of political refugees. Let us begin and set the example to other nations of non-intervention. I have no doubt that our example and protest would influence the Governments of Austria and Russia; but what possible moral influence can this country have with those States when the

Government goes abroad to interfere with the domestic affairs of other countries? It is said, however, that the noble Lord the Foreign Secretary goes abroad as the champion of liberalism and constitutionalism. But I cannot fall into this delusion. I cannot trace this battle that we are taught to believe is going on under the noble Viscount's auspices between liberalism and despotism abroad. I do not think that the noble Lord is more democratic than his colleagues, or than the right hon. Gentleman opposite the Member for Tamworth. I believe the noble Lord is of an active turn of mind—that he likes these protocols and conventions—and that the smaller the subject the better it suits his taste. I do not find that the noble Lord has taken up any great question of constitutional freedom abroad. Did he ever protest against the invasion of Hungary by Russia? He made a speech against Austria, I remember, on one occasion, but he did not breathe a syllable against Russia. The only allusion he made to Russia was in the nature of an apology, uttered in a sense that seemed to justify the part taken by Russia rather than otherwise. Then it is said that in Italy the noble Lord endeavours to establish constitutional government, and representative institutions. I always thought there was great exaggeration upon this subject; but the noble Foreign Secretary has himself dispelled the illusion, for he has frankly told us in his speech that he sent the Earl of Minto to the different courts of Italy, not to recommend parliaments or representative assemblies, but merely to advise the Governments to adopt administrative reforms. But that was not what the Italian people wanted. They wanted security for their liberties by constitutional reforms, and the adoption of a representative system; and that was what the noble Lord did not recommend should be given to them.

I believe the progress of freedom depends more upon the maintenance of peace, the spread of commerce, and the diffusion of education, than upon the labours of cabinets and foreign offices. And if you prevent those perturbations which have recently taken place abroad in consequence of your foreign policy, and if you will leave other nations in greater tranquillity, those ideas of freedom will continue to progress, and you need not trouble yourself about them. On this side of the House some persons have been menaced with very terrible consequences, if they do not vote for

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this resolution. I can only say that I, like many other hon. Members, sit commonly here and in Committee-rooms of this House for twelve hours in the course of the day. Allow two or three hours a day for the transaction of necessary business at home, and that is not play, but hard work. But why should we undergo this labour unless to advocate those opinions and convictions which we believe to be true and just? If I have one conviction stronger than another, it is in favour of the principle of non-intervention in the domestic concerns of other nations. That principle is involved in this Motion; and upon it, for fifteen years, my opinion has been again and again recorded. I have never seen reason to change that opinion, but, on the contrary, every thing confirms me in my conviction of its truth. If I remain in this seat, I will try to promote the triumph of that principle; and happy should I be to be able to hasten in the slightest degree the advent of the day when the intercourse of nations will exhibit the same benign changes as have taken place in the intercourse of individuals. In private life we no longer find it necessary to carry arms for our protection, as did our forefathers. There has been the discontinuance of the practice of duelling; and something should be done to carry the same spirit into the intercourse of nations. In domestic life physical correction is giving way to moral influence. In schools and in lunatic asylums, this principle is successfully adopted; and even the training of the lower animals is found to be better done by kindness than coercion. Can't you adopt this principle in the intercourse of nations? Whoever brings forward such measures shall have my support; and, if it should happen, as the hon. Member has threatened me, that the consequences of my vote shall be the loss of my seat in this House, then I say, that next to the satisfaction of having contributed to the advance of one's convictions is, in my opinion, the consciousness of having sacrificed something for them.

SIR R. PEEL: Mr. Speaker, however extended in point of duration the debate has been, and however exhausted the topics that have been introduced into the discussion, I think the House will admit that I should not be acting in conformity with a sense of duty if I abstained from assigning the grounds on which my vote will be given. The hon. and learned Gentleman the Member for Southampton has demanded a full

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explanation of the circumstances under which that vote will be given. Sir, he shall have that explanation. I have no reserve. The hon. and learned Member has stated that there is a dishonourable conspiracy formed against Her Majesty's Government. Sir, a more unfounded charge never was preferred. He presumes that there has been some base compromise between Gentlemen sitting on this side of the House, but holding different opinions upon matters of vital interest. He is wholly mistaken. There has been no such compromise. He talks of there being three courses to pursue; he tells us there are three combinations by which office may be obtained. He says, "I demand to know which of these three courses you contemplate." Now, is it not possible for the hon. and learned Gentleman to suppose that there may be a fourth? Is it not possible for him to speculate upon the possibility that men in this House may intend to give their votes without reference to political combinations? Does he exclude the possibility of that fourth course of action, which arises from a conscientious conviction as to the truth? Is that excluded from his contemplation? May it not be possible that men cannot subscribe to a resolution which asserts that a certain course has been best calculated to preserve peace and to support the honour and dignity of this country? Is it not possible that, without reference to party or personal interests, men may decline to affirm a resolution which deals with principles of greater importance to the welfare of this country for good or for evil than have ever been under the consideration of the House? Sir, I will not forget, and I need not remind the House, that I have given, or attempted to give, to Her Majesty's Government my support—I will say my cordial support—during the last four years. In utter oblivion of the circumstances under which they succeeded to power, I have felt it my duty to give them, not an ostentatious, but, because it was not ostentatious, a not the less effective support. I have not the honour and advantage of possessing their personal friendship; I have never been in political connexion with them. I have held no communication with them during the last four years which may not be had by any Member of this House, who may be the most independent and the most unconnected with their policy. I have given them my support, because I cordially approved of the policy which they carried

into domestic affairs. I think that their policy in domestic affairs has been a liberal and conservative policy. I have agreed with them, and I repeat it now, with respect to the principle of commercial freedom. So far from a base compromise having taken place between myself and the Gentlemen who sit near me, and whose confidence I have had the misfortune to forfeit, every day that passes convinces me more and more that upon the cordial adoption of, and the unequivocal adhesion to, those principles of commercial policy, the peace and true interests of this country depend. I have said enough, I hope, to prove to the hon. and learned Member, that for myself, as I know, and for others, as I believe, there has been none of that base compromise that he supposes has dictated our unanimity upon this occasion. I feel as grateful to Her Majesty's Government as one public man can feel to others for the maintenance of those principles which regulate the monetary affairs of this country. I concur with them as to their Irish policy. I have not forgotten the declaration I made with respect to Ireland on the day upon which I quitted office, and I retain the opinion which I then expressed, that your true policy towards Ireland is to maintain civil equality as the privilege of all Her Majesty's subjects, and not to permit religious differences of opinion to constitute a disqualification for the favour of the Crown. It is because I concur with them as to the general principles of their policy that I, agreeing with them in their commercial legislation, and agreeing with them, as I have said, in the general outlines of their policy (I do not speak of the particular opinions which they may entertain, but only of the legislative measures produced by them with reference to the internal circumstances of the country), have been able, speaking generally, to give to their measures my support. I laugh to scorn the imputation that I have some connexion with foreign conspirators. I believe of others, and I know of myself, that I repudiate any dictation from any person who is not immediately connected with the interests of my own country. I utterly disbelieve the existence of any such conspiracy. With respect to the combination of political opponents, of course in the conduct of party there must be concert and combination in the interest and movements of party. I speak not of this concert with the slightest disrespect; but I may say for myself, as

the hon. and learned Member demands the full truth, that so little have I been a party to any such combination, that I never saw the resolution submitted by the noble Lord in the other House, and voted by the Lords, until I read it in the newspapers. I knew as little of the concoction, and was concerned as little with the proposal of this resolution, as the noble Lord against whom it was directed. I do not labour, therefore, under any influence which can prevent me from giving a fair and dispassionate consideration to the resolution proposed by the hon. and learned Member for Sheffield. It is said, however, that after four years' patient endurance—after four years' neutrality and silence—I and others have come forward to condemn the conduct of the Government. Sir, I have come forward with no condemnation of the Government. The hon. and learned Gentleman the Member for Sheffield demands from me to acquiesce in a declaration of positive approbation; and not only that, but he demands from me the assertion of principles, the consideration of which is tenfold more important than the saving of a Ministry can be. Sir, there have been—and I will not forget it on this occasion—there have been occasions on which I have supported the foreign policy of Her Majesty's Government. I supported it with respect to Portugal. I did not concur in the vote of censure with regard to the policy of Her Majesty's Government in Spain, because I thought it would be unjust to Sir Henry Bulwer, and would be too severe a visitation for any offence which Her Majesty's Government and the noble Lord the Foreign Secretary had committed. But I took the occasion of expressing my regret that the tone assumed by the noble Lord the Secretary for Foreign Affairs towards Spain was not calculated to conciliate the goodwill of the people of that country. Sir, the most important point in the foreign policy of Her Majesty's Government I concurred in. I agreed with them in the recognition of the French Republic, and as to the policy of recognising the Government which appeared to be most conformable to the will of the French people. I go further, and say that I think such a recognition ought not to be a cold reluctant acquiescence in an unavoidable necessity. I believe that, without reference to the constitution of the Government, the true policy is to maintain friendly relations with that great people on the other side of the Channel—

to cultivate a good understanding with them—to show a disposition to place confidence in them. And it is because I concur in that policy—because I am favourable to the cultivation of a good understanding with France, that I now ask you, the Government, to give an account of your French relations, and to tell me how it is that such a correspondence has taken place as that which is laid upon the table of the House; and why it is that you have had these altercations with the people of France, who have shown a disposition to place in you a cordial and unlimited confidence. The hon. and learned Gentleman the Member for Sheffield moves a resolution, the effect of which is to express approbation of the principles on which the foreign policy of Her Majesty's Government has been conducted, and to approve of their past administration. The hon. and learned Gentleman, however, has admitted some latitude in expressing that approval. He has omitted from this resolution the word “best,” and has confined himself to the simple affirmation that they have conducted foreign affairs in such a way as to conduce to the honour and dignity of the country. I must say that I very much dislike professions of political faith. I very much dislike subscribing to certain articles which are laid down in order to cover a censure passed in the other House of Parliament. I am called upon to subscribe to the principles which have regulated the foreign diplomacy of Her Majesty's Government. Is it too much to ask the hon. and learned Gentleman to define, before he asks me to subscribe those articles, what they really are? Are they non-intervention? Are they the positive assertion of claims brought forward against a weak Government, and the employment of language not held towards the strong and powerful? Are these the principles which the hon. and learned Gentleman asks us to agree to? or does he say, “Subscribe to the articles which I have framed, and I will leave you to collect from the past, and from certain principles that have been enforced, what those principles are of which I ask your approval?” But that is a very vague and unsatisfactory definition of the articles of political faith which I am called upon to subscribe. The hon. and learned Gentleman did not confine his range of observation to recent political history. He went from 1789 to 1815, and then took the period from 1815 to 1830. In 1830 he said there

dawned upon us the certain commencement of a happier era in our foreign policy; and this happier period was the recognition of the dynasty of Orleans on the throne of France. But my noble Friend the Earl of Aberdeen was Secretary of State for Foreign Affairs at that time. We announced in the Speech from the Throne that the elder branch of the House of Bourbon had ceased to reign, and, seeing that the new sovereignty met with the general concurrence of the French people, we gave the new Sovereign a cordial recognition, and attempted as far as was in our power to lay the foundations of lasting peace. But the period chosen by the hon. and learned Gentleman extends to 1830; and is that a period from which I am to collect what the principles are I am called upon to approve? I apprehend not. I apprehend it would be no answer to the vote of the House of Lords to pass a panegyric on the principles that characterised the foreign policy of this country twenty years ago. I am asked to express approbation of the foreign policy of the present Government, as distinguished from the policy of its predecessors. [Lord J. Russell: It is not necessary.] Well, then, how will you get over the censure of the House of Lords? I thought it possible to place another construction on the Motion of the hon. and learned Member; but the declaration of the noble Lord at the head of the Government removed all doubts from my mind. It was the noble Lord who said, upon the first night on which reference was made in this House to the answer of the House of Lords, that his noble Friend the Secretary for Foreign Affairs would not be the Minister of Austria, would not be the Minister of Russia, and would not be the Minister of France, but would be the Minister of England. What was the meaning of that declaration? The noble Lord has too much prudence and discretion to point a sarcasm against three of the greatest Powers of Europe; but he could afford to be very liberal with such weapons when directed against his predecessors. My construction of that passage was, that the noble Lord meant to contrast the conduct of the noble Lord the Member for Tiverton with the conduct of the Earl of Aberdeen, and that which he solicited from me by my vote of this night was a decided reflection on the policy of the Earl of Aberdeen—upon the policy for which I myself was responsible. I have been connected with

my noble Friend the Earl of Aberdeen during the whole period for which he was Secretary of State for Foreign Affairs; I was connected with him at the period when we announced that we recognised the house of Orleans, and that we were determined to maintain the most friendly relations with France. I remained connected with him until July, 1846, when, in surrendering power at the feet of a majority of this House, I announced the termination of the only difference that remained with the United States, by the adjustment of the affair of Oregon. I do not look back upon my connexion with my noble Friend with any other feelings than those of cordial satisfaction. I believe there never existed a Minister less disposed to make a sacrifice either of the honour or the interests of this country, or more sincerely disposed to maintain not only peace, but the most friendly relations with every country with which England had intercourse. I never understood that this House had disapproved of the policy of my noble Friend. I never understood this House to convey any intimation that it thought that, in the attempt to maintain peace, he showed a disposition to sacrifice either the honour or the interests of England. I do recollect that the maintenance of peace was often most difficult—that we had to soothe an excited state of the public mind in France; and I must say that it was the good fortune of England, of France, and of the world, that at that critical period of our history this country was not involved in war on account of the most stupid and frivolous cause of war that ever existed, namely, the expulsion of Mr. Pritchard from Tahiti. Perhaps the House will recollect that a great party in France took its name from Mr. Pritchard, and that at last the name of Pritchardites or Pritchardists was assigned to a large party which supported the absurd war cry of France at that time; and I will do justice to a fallen Minister, M. Guizot, to declare my belief that it was mainly owing to his courage, to his resolution, to his determination to resist the war cry in France, that we were enabled to avert the calamities of war. Well, Sir, we had difficulties to contend with in maintaining the course we pursued. We were charged by the noble Lord opposite with making Ashburton capitulations. We were told that we were yielding to all those great Powers with which we came in contact; but the result

was, that the House of Commons did not share in the apprehensions of the noble Lord, and our policy met with your most cordial approbation. I may say that, separated as I am from those with whom I had once the good fortune to act, that separation has not made me forgetful of the generous and cordial support which the foreign policy of my noble Friend obtained from others. In justice to ourselves—in justice to the party with whom I then acted—in justice to this House, I could not with honour acquiesce in any covert reflection on the policy of my noble Friend—the policy of peace, consistent with our maintenance of the honour of the country. The resolution of the hon. and learned Gentleman embraces two objects—the protection of the Government, and the declaration of the public principles he calls upon you to affirm—namely, that the course pursued by the Government is one calculated to maintain the dignity and honour of England. I wish I could give it my support. It would be more agreeable to my private feelings. It would be more in consistency with my disposition to support Her Majesty's Government if I could do so; but to speak of that particular affair which led to the vote of the House of Lords, the conduct of Government in reference to the Greek affair, I cannot, consistently with my conscientious convictions, declare that I think the course which the Government has pursued is the course best calculated to maintain the honour and dignity of this country, or to maintain peace with foreign nations. Now, I take a somewhat peculiar view of that case. I am no partisan of Greece or the Greek Government. I am disgusted with their evasions and their delays. I have had experience of them. I know how impossible it was to procure from them redress or even satisfaction. I have had occasion—at least my noble Friend (the Earl of Aberdeen) had occasion, to express to them our deep dissatisfaction with that course which they pursued. The noble Lord the Secretary for Foreign Affairs read a letter which was addressed by my noble Friend to the Government of Greece, and he made much of that letter, and contrasted it with his own; but we were perfectly authorised in making that communication to the Greek Government, because we had the misfortune to stand in the position of a creditor; of a creditor who received no money, and could get no satisfaction. We were entitled to an annual

payment along with two other Powers. Our remonstrances were addressed in vain to the debtor. When we saw the Government of that country removing from office men of the highest character, and appointing others subject to grievous imputations, I think that a creditor thus deprived of his money, or the prospect of obtaining it, was justified in holding pretty strong language, of warning and remonstrance to those who were making appointments which still more clouded the prospects of any ultimate settlement. The noble Lord read that letter with great emphasis, and contrasted it with a letter he had written to our Minister at Madrid. He said, "See the course you have pursued; you have absolutely addressed a communication to be made directly to the Sovereign, whereas I, more cautious, more conciliatory, addressed my letter to the Minister of England residing at Madrid." In the letter of the noble Lord I find him state that—

"Her Majesty's Government are so sensible of the inconvenience of interfering, even by friendly advice, in the internal affairs of independent States, that I have to abstain from giving you instructions to make any representations whatever to the Spanish Ministers on these matters."

And then the noble Lord said—and it was received with general acclamations—"Contrast my conduct with that of the Earl of Aberdeen, who directs his remonstrances directly to the Sovereign, whereas I would not approach even the Minister with the language of remonstrance." Then he charged my right hon. Friend the Member for Ripon with having suppressed a passage of this letter that would have borne testimony to the great merits of the noble Lord. I am disposed to blame my right hon. Friend for suppressing that passage, because it contains this instruction to the Minister:—

"Though you will of course take care to express on no occasion on these subjects sentiments different from those which I have thus explained to you, and although you will be careful not to express those sentiments in any manner or upon any occasion so as to be likely to create, increase, or encourage discontent, yet you need not conceal from any of those persons who may have the power of remedying the existing evil, the fact that such opinions are entertained by the British Government."

Now, I confess, for the purpose of avoiding embarrassment, I would rather make such communications direct to the Minister or the Sovereign of another country, than tell the Ambassador to withhold certain things from them, but to have no

scruple whatever in communicating the views of the British Government to those who are in direct opposition to the Sovereign or Minister. Spain had been divided into two parties—the despotic party and the constitutional party. The views of the British Government were to be communicated to that party who the noble Lord believed had the power of remedying the existing evils under which Spain suffered, but were to be withheld from the Ministers and the Sovereign. But I was speaking of the Government of Greece. I will admit you had just claims upon Greece; I will admit that the birth or religion of M. Pacífico constitutes no reason why he should not have the same title to indemnity as the highest noble, or a British subject of the highest rank. I admit that the meanness of his residence is not to be cited as a reason for withholding from him commiseration or redress; but I conceive there was an obvious mode of settling his claims without offending France, and without provoking a rebuke from Russia. My belief is that, without any compromise of your own dignity, you might have got the whole money you demanded, and avoided the difficulties in which you have involved yourselves with those Powers. With regard to Russia, you had just asserted the authority of England by remonstrating with her for attempting to expel the refugees from Turkey. She acquiesced in your demands; and, with regard to France, you had all but the certainty of obtaining her cordial sympathy and good feeling. There never was a period in which it was more the interest of this country to conciliate the good feeling of Russia and France. France was weak, and the prey of intestine divisions; you could have made concessions to her then without incurring any suspicion of weakness on your part; and depend upon it that conciliatory conduct towards France in the hour of her weakness, arising from intestine divisions, would have been rewarded with her permanent gratitude in the day of her strength. I can quite understand how you could have addressed France and Russia in such terms as these: “We have claims upon Greece—you are co-guaranteeing Powers; the law of nations would enable us to proceed at once to obtain summary redress; but we will not send fifteen sail of the line to threaten Greece with the interruption of her commerce till we have invoked your good offices, and attempted to settle these

claims of ours by arbitration.” Why not have said, “There may be limits to delay; your friendly arbitration may fail; we are determined not to abandon our claims—in-sults have been offered, for which we must demand an apology; but we have pecuniary claims, that we will not insist upon by force, till we have applied for your good offices?” You may quote instances in which the United States have attacked Portugal, and in which France has sent fleets to Naples; but the policy of England should be to set the example of a different course of action, so far as you can set it without the compromise of your own honour. I admit you may have had the right. It is possible that you had authority to enforce your demand by the law of nations, without referring them to the consideration of any other Power; but, if every country will have recourse to force to obtain its rights, there is no guarantee for the peace of Europe for a single day. I do not deny your right; but I say that every consideration of policy in the peculiar circumstances in which you stood with regard to France and Russia—Russia having acquiesced in your demands for the withdrawal of her requisition for the expulsion of the Hungarian refugees from Turkey, and France having shown every disposition to confide in you and act cordially with you, there was every motive at that time why you should have exerted every effort to settle the matter through their good offices before you resorted to force. You did not object to the good offices of France—you accepted them when they were tendered—but why not invite them? Why not ask the good offices of France to assist in the adjustment of the affair? My belief is that you would have effected that adjustment, have gained the goodwill of Russia and of France, and have avoided giving offence to Greece; above all you would have avoided those rebukes which were administered to you by Russia and France, and which I cannot read without pain; and having read which, I cannot vote for a resolution which declares that the course which you have pursued in your foreign policy is calculated to maintain the honour and dignity of this country. I don’t blame you for your ultimate concessions to France, or for your not having resisted the demand made of you by France, but don’t ask me to concur in a vote of positive approbation of the course you have pursued. But I do blame you for your conduct towards France after

you had accepted their good offices. I see no reason whatsoever for the course you pursued; and I think it was easy to foresee that it would involve you in the difficulty in which it did. I read the letters of M. Drouyn de Lhuys and General Lahitte, and I never saw letters containing more positive evidence of what were the real wishes and intentions of France in tendering to you her "good offices." There is something touching in the appeal which that great Power made to you. She reproaches you for having resorted to force, and says to you, "You have alarmed every other country in Europe by sending fifteen sail of the line to the Piræus to insist upon these demands. Accept our good offices; by your doing so, you will assist us in our internal affairs." Now, what is the Motion? What did the hon. and learned Gentleman tell us, in language which I wish he had forborne to use? He said that France had become a vassal of Russia? Is that true? If he makes that assertion, how can he demand of me an acquiescence in his Motion? Who has made France a vassal of Russia? Has England contributed to it by her refusal of the "good offices" of France? Has England contributed to it by her refusal in the first instance to accept the convention? When M. Drouyn de Lhuys opened to you the prospect of your being able to settle the Greek question in London—when the Foreign Minister in this country, the representative of France, told you that you might obviate all this delay in Athens by settling the question here, why did you not send immediate information to Mr. Wyse, not that the basis of the convention was settled, but that there was a prospect of an amicable arrangement? That communication by M. Drouyn de Lhuys was made so early as the 9th of April, but the noble Lord says that he had no opportunity of writing to Mr. Wyse until the 19th. It is true the basis of the convention was not settled until the 15th of April, but the moment there appeared a prospect of effecting an amicable arrangement in London, you ought not to have considered expense, but having a vessel at your command, you ought instantly to have sent to Greece, and informed Mr. Wyse, knowing that under certain contingencies he was at that time authorised to employ force—what were your prospects of coming to an amicable settlement of the affair in this country, and to have advised him to abstain from resorting to force. Will the noble Lord tell me why

he neglected this? The noble Lord says, that although he might have a steamboat at Dover and at Folkestone, yet the French had a vessel at Marseilles, and the French Government could despatch their vessel on the 12th; but how could he despatch one from Dover or Folkestone, so as to reach Athens at the same time? But why did not the noble Lord communicate with the French Government, and say, "If it is your intention to represent to your agent at Athens that there is a prospect of an amicable arrangement of the claims of England on Greece being effected in London, perhaps you will permit me to avail myself of the same opportunity of making a similar communication to my agent?" Why did the *Vauban* sail from Marseilles without a communication from the noble Lord similar in purport to that made by the French Government? But the noble Lord did not do it, and forcible means were resorted to. What was the consequence? You heard from the Marquess of Normanby the feeling of despair which the French Government experienced the moment they heard of it. At that moment, when you got that letter from the Marquess of Normanby, and were made aware of what were the feelings of the French Government, why did you not frankly and honestly say to the French Government, "Here has been a mistake, a misunderstanding, an unintentional delay; and to convince you that we had no intention to give you offence, we voluntarily offer to adopt at once the original convention?" Was not that the obvious way of preventing any ill effects arising from this misapprehension, and of giving consolation to the wounded honour of France, founded perhaps on her just suspicion of your intentions? Why did you not at once yourselves tender the London convention in the place of the Greek convention? You were asked to do it; it was the demand made of you; you refused; but you were ultimately obliged to do it. A communication was made by General Lahitte to the French Chamber, in which he said—

"That which I insisted on on the 20th May—that which preceded the withdrawal of the representative of France from the Court of England, that in substance I have obtained, and France has accepted the proposal of Lord Palmerston."

That was a painful communication for an Englishman to read. It might have been prevented by a frank offer to France to accept that which France offered in the first instance, and which you then refused, but subsequently conceded. I think you

were right in making the concession subsequently. I blame you not for having made that concession, rather than interrupt the cordial good understanding between the two countries; but don't ask me to vote that the course you have taken is consistent with the dignity and honour of England. I do ask the noble Lord at the head of the Government and the noble Secretary of State if this had happened to the Earl of Aberdeen and myself—if we had received this letter from Russia—if we had seen the French Minister withdrawn from this Court, because we would not accede to a convention which we subsequently accepted—I ask whether if under these circumstances a vote had been proposed to the House, declaring that the course we had taken was most consistent with the dignity and honour of England—could those two noble Lords have remained on their seats until I had myself, also, made that proposal to them? Well, I am not willing to provoke any censure, but I do really feel that it is utterly impossible, with any regard for the truth, to express any positive approbation of your policy, and declare that the course you have been taking is consistent with the maintenance of the honour and dignity of this country. When I see your present position with Austria, with France, and with Prussia, and when I see also the many questions that remain unsettled with the States in the north of Europe, and when, on the other hand, I know the positive advantage that it is to this country that you should be on the most friendly footing with all those Powers, how can I vote that the course you have been taking is the best calculated to preserve peace? Peace, no doubt, there is. There is no disturbance; therefore, if the words in the resolution have any meaning at all, they must mean that your policy is calculated to maintain those amicable relations which ought to exist between the great Powers of Europe for their separate and individual advantage. If you appeal to diplomacy, let me in the first place ask what is this diplomacy? It is a costly engine for maintaining peace. It is a remarkable instrument used by civilised nations for the purpose of preventing war. Unless it be used to appease the angry passions of individual men, to check the feelings that rise out of national resentments—unless it be used for that purpose it is an instrument not only costly but mischievous. If, then, your application of diplomacy be to fester every wound, to provoke instead of sooth-

ing resentments, to place a Minister in every Court of Europe for the purpose, not of preventing quarrels, or of adjusting quarrels, but for the purpose of continuing an angry correspondence, and for the purpose of promoting what is supposed to be an English interest; of keeping up conflicts with the representatives of other Powers, then I say, that not only is the expenditure upon this costly instrument thrown away, but this great engine, used by civilised society for the purpose of maintaining peace, is perverted into a cause of hostility and war. I have so little disposition—and I say it with truth, for the feelings which have actuated me for the last four years remained unabated—I have so little disposition, I say, for entering into any angry or hostile controversy, that I shall make no reference whatever to many of the topics which were introduced into that most able and most temperate speech, which made us proud of the man who delivered it, and in which he vindicated with becoming spirit, and with an ability worthy of his name and place, that course of conduct which he had pursued. I now come to that portion of this discussion which is a thousand times of more importance than a question as to the existence of a particular Government. I now approach the consideration of the principle which the hon. and learned Gentleman who brought forward this resolution proposes to be recognised and assented to by the House. The interests of a Government are small in comparison with the consideration of the principles laid down by the hon. and learned Gentleman. The hon. and learned Member for Southampton says this Motion has reference to Greece merely. No such thing. Is this a Motion to declare that whether the Government be right or wrong in this individual instance, their conduct under great difficulties has been in respect to Greece not deserving of censure? Is that the Motion? No. But you ask me to affirm and to subscribe to certain vague and indefinite principles, an explanation of which I can only collect from the speech of their able propounder. I entreat the consideration of the noble Lord to the declaration and opinion which I am called upon to affirm. The hon. and learned Member for Sheffield says there shall be no mistake as to the purport and import of my vote. It is not a resolution simply of approval of the policy of the noble Lord; but it is a resolution, the intention and meaning of which is this—"We are to

tell the people of all foreign countries with whom we have any relations, that our power, so far as it is physically concerned, is not to be employed to coerce their rulers; but that, in so far as the moral influence of this country and of its Government is concerned, the world shall know that we are friendly wheresoever we find a large endeavour, on the part of any body of men, to vindicate to themselves the right of self-government." The intention of this Motion is, that the House of Commons shall declare openly, plainly, and without ambiguity, "We are for self-government. We are to say to the nations of the world, "We are favourable to those efforts of man by which he endeavours to raise himself in the scale of nations, and, by his own enlightenment and a confidence in his own powers, to govern himself and resist that tyranny which, under the name of legitimacy, has ever sought to crush him in all those powers which we, as Englishmen, consider to be the very birthright that nature has given us." There shall be no mistake, says the hon. and learned Gentleman, as to my intentions. This declaration shall be made "openly, plainly, and without ambiguity." I am asked what is the antagonistic principle? I have been challenged over and over again to declare it. I will declare it. The principle for which I contend is antagonistic to that which has been propounded by the hon. and learned Gentleman; it is the principle for which every statesman of eminence in this country for the last 50 years has contended—namely, non-interference with the domestic affairs of other countries, without some clear and undeniable necessity arising from circumstances affecting the interests of your own country. That is the antagonistic principle for which I contend. I say this, that the hon. and learned Gentleman is calling upon me to affirm that principle which was contended against by Mr. Fox when it was employed in favour of arbitrary government; which was resisted by Mr. Canning, and resisted by Lord Castlereagh at the Congress of Verona, when the combined Sovereigns attempted by force to check the progress of constitutional government. Now this is a matter of so grave an importance, and so far removed from those other matters which are incidentally and collaterally connected with the question, that I entreat the attention of the House. I affirm that the principle for which you contend is the principle which was asserted by the Convention of

France on the 19th of November, 1792. It is the principle which was afterward abandoned by the same Convention on the 13th of April, 1793, because France found it utterly impossible to adhere to it consistently with the maintenance of peace. For a certain period after the treaty of Pilnitz, after the manifesto of the Duke of Brunswick, which was founded on the same principle, the assertion, namely, of the right to interfere with the domestic affairs of another country—[Mr. ROXBURGH: Hear, hear!] Oh! I do not admit that it is right to interfere in favour of despotism and not of liberty, but I say the declarations of Austria and Prussia on the invasion of France were hostile to republican institutions—they demanded that France should restore her legitimate Sovereign. We were enabled to remain at peace with France for a certain period. We declared our willingness to maintain peace with France. On the 12th of May, 1792, M. Chauvelin informed Lord Granville that—

"France rejects all ideas of aggrandisement. She will preserve her limits, her liberty, her constitution, her inalienable right of reforming herself, whenever she many think proper; she will never consent that, under any relation, foreign Powers should attempt to dictate, or even dare to nourish a hope of dictating laws to her. But this very pride, so natural and so just, is a sure pledge to all Powers from whom she shall have received no provocation, not only of her constantly pacific disposition, but also of the respect which the French well know how to show at all times for the laws, the customs, and all the forms of government of different nations. The King, indeed, wishes it to be known that he would publicly and severely disavow all those of his agents at foreign courts in peace with France who should dare to depart an instant from that respect, either by fomenting or favouring insurrections against established order, or by interfering in any manner whatever in the interior policy of such States, under pretence of proselytism, which, exercised in the dominions of friendly Powers, would be a real violation of the law of nations."

That was the declaration of France after the revolution of 1789, the declaration which France made to England on the 12th May, 1792, and on which Mr. Pitt relied as the ground for maintaining neutrality and even friendly relations with the new Government; but on the 19th of November, 1792, France took a different course. What is the hon. and learned Gentleman's resolution—that which the House of Commons are to proclaim? That—

"We are favourable to those efforts of man by which he endeavours to raise himself in the nations, and, by his own enlightenment and a confidence in his own powers, to govern himself, and

resist that tyranny which, under the name of legitimacy, has ever sought to crush him in all those powers which we as Englishmen consider to be the very birthright that nature has given us."

What was the declaration of the Convention of 1792?—

"The National Convention declare, in the name of the French nation, that they will grant fraternity and assistance to all those people who wish to procure liberty, and they charge the executive powers to send orders to their generals to give assistance to such people as have suffered, or are now suffering in the cause of liberty."

The National Convention on the 13th of April, 1793, seeing the universal indignation excited by that proclamation, declared in the name of the French people—

"That it will not intermeddle, *qu'elle ne s'im-mis-cera pas*, in any manner in the government of other countries, but that it will rather bury itself under its own ruins than suffer any other Power to intermeddle in the interior administration of the Republic, or influence the form of constitution which France wishes to establish for herself."

They withdrew the objectionable declaration of the 19th of November because they found it excited against the French Government the indignation of all independent nations. It was upon this principle that Mr. Fox denounced the declaration of the Duke of Brunswick. Mr. Fox quoted Vattel; he said he found Vattel out of favour, but he valued all those writers who had collected together the experience of ages; and it was upon the principle laid down by Vattel of non-intervention in the affairs of other countries that he denounced as iniquitous the manifesto of the Duke of Brunswick. Then, what are we to declare? That we will relinquish the principle of non-interference, and declare in favour of the principle of self-government—that we will declare in favour of that people that "resist, under the name of legitimacy, that tyranny which has ever sought to crush him in all those powers which we, as Englishmen, consider to be the very birthright that nature has given us?" It is a most serious undertaking on the part of this House. If you do claim that right, you must give a correlative right to other Powers. Self-government! Who shall construe what is the basis of self-government? We are living in the neighbourhood of a great republic—a republic which may be prosperous; which may calculate its power—which maintains the doctrine that legitimacy is inconsistent with self-government; that monarchy is inconsistent with self-government. If I claim the right

to introduce my notion of self-government into an independent nation, can I deny the right of France to introduce its notion of self-government into countries opposed to republican institutions? Recollect our manifold relations with other countries in every quarter of the globe. Recollect our position in North America. Recollect our monarchical colonies, in close contact with republicanism. American notions of self-government differ from ours. American notions of self-government probably go to the extent that there ought to be universal suffrage, and that all classes should have the right to exercise a voice in the government of their country. If I impose my notions of monarchical institutions of government on despotie countries, what right have I to remonstrate against the United States for introducing into the monarchical colonies of Great Britain in their immediate neighbourhood their republican notions of what is self-government? We are, as I said before, in the immediate neighbourhood of a great republic. Does self-government extend beyond Europe? Does this right of self-government extend beyond it? We govern millions of people in India; are we to admit the right of other Powers to inculcate the right of self-government among them? Which is the wisest policy—to attempt to interfere with the institutions and measures of other countries not bordering on our own, out of an abstract love for constitutional government—or to hold that doctrine maintained by Mr. Fox, Mr. Pitt, Lord Grenville, Mr. Canning, and Lord Castlereagh, that the true policy of this country is non-intervention in the affairs of others? Is it politic for us to go to China and attempt to intermix with our commercial notions our notions of self-government? or are these principles confined to certain quarters of the globe?—are they limited to Europe? Can we limit them because it is convenient? or shall we instruct Dr. Bowring to read to the Chinese people at Canton lectures on political economy—there is legitimacy there—there is not much of self-government—there is a learned professor, an enlightened political philosopher, the representative of this country; shall we invite him to instruct the people of China in their duties towards themselves—to insist on self-government? or, is it wise to live at peace with China and to make allowance for those peculiar institutions under which the people live, and with which we have no concern? I

believe the latter to be by far the wiser course, the least likely to involve us in trouble and embarrassment—the best calculated to enable us to promote peace, to make commerce prosperous, and to prevent nations with whom we have commercial and international relations from entertaining jealousies of us. That I believe to be the best policy, as far as England is concerned. It is also my firm belief that you will not advance the cause of constitutional government by attempting to dictate to other nations. If you do, your intentions will be mistaken—you will rouse feelings upon which you do not calculate—you will invite opposition to Government; and beware that the time does not arrive when, frightened by your own interference, you withdraw your countenance from those whom you have excited, and leave upon their minds the bitter recollection that you have betrayed them. If you succeed, I doubt whether or no the institutions that take root under your patronage will be lasting. Constitutional liberty will be best worked out by those who aspire to freedom by their own efforts. You will only overload it by your help, by your principle of interference, against which I remonstrate—against which I enter my protest—to which I to-night will be no party. You are departing from the established policy of England—you are involving yourselves in difficulties the extent of which you can hardly conceive—you are bestowing no aid on the cause of constitutional freedom, but are encouraging its advocates to look to you for aid, instead of those efforts which can alone establish it, and upon the successful exertion of which alone it can be useful. For all these reasons I give my dissent, my reluctant dissent, from the Motion of the hon. and learned Gentleman. I am determined to take, upon this occasion, the course which I have taken upon every other. I will not evade the difficulty by silence or absence—I will state the grounds upon which I protest against the resolution—the carrying of which, I believe, will give a false impression with respect to the dignity and honour of this country, and will establish a principle which you cannot carry into execution without imminent danger to the best interests of the country.

LORD J. RUSSELL: Before I proceed, Sir, to make any observations on the resolution now before the House, I must take notice of an insinuation made by the right hon. Gentleman the Member for the Uni-

versity of Oxford, that we were unwilling to meet this question, and that we unfairly proposed to the hon. Member for Buckinghamshire that he should bring forward a resolution in conformity with the resolution of the House of Lords. That the position was to us, undoubtedly, one of no little difficulty, I have not denied, and do not deny. That the action of Government as regards foreign Powers, with that resolution of the House of Lords remaining on its journals, and with no opinion expressed by this House, would have been fettered and crippled, I admit; but it appeared to me—and nothing that I have heard has convinced me to the contrary—that when a resolution of censure was brought forward in Parliament by a great party, commanding it would appear a majority in one House of Parliament, and having at all times very considerable numbers in the other House of Parliament—it would have been right, according to all principles of justice and fairness, to have brought forward that resolution, not only in the House where the Foreign Minister was absent, but also in that in which he was present; and I must say that such is the course I should have expected from the hon. Member for Buckinghamshire on this occasion, because during the period in which he has been the leader of the party to which he belongs—since the lamented death of Lord George Bentinck—I have always found in him a fair opponent, ready to take issue on great questions of public interest, not seeking by any evasion or any subterfuge to obtain any undue advantage. It might also be inferred from the tenderness with which the right hon. Member for the University of Oxford treated this point, that the course which has been pursued has been rather of his advising than recommended by the hon. Member for Buckinghamshire. Indeed, the right hon. Gentleman seemed to throw the shield of his protection over the hon. Member for Buckinghamshire whilst justifying the propriety of the course which has been pursued. I again say that I think it is not a fair course; and if the right hon. Gentleman is in future to conduct the debates in this House on behalf of the great party opposite, I am afraid we must not expect the same fairness and justice from him as we have experienced from the hon. Member for Buckinghamshire during the time he has been their leader. Be that, however, as it may, I think the right hon. Gentleman could hardly expect that I or

any of my colleagues would move either a vote of confidence or censure with respect to the foreign policy of the Government. The hon. and learned Member for Sheffield felt the difficulty in which the country was placed by the resolution of the House of Lords, and came forward with a proposition of his own. He is an independent Member of the House, more independent, perhaps, of the Government than Colonel Davies was in 1833, when he moved a resolution with respect to Portugal. I accept the proposition of the hon. and learned Member—I accept his declaration as to his policy—not as to ours—not as to the policy pursued by Her Majesty's Government since they have had the conduct of affairs. The Motion declares—

“That the principles on which the foreign policy of Her Majesty's Government has been regulated, have been such as were calculated to maintain the honour and dignity of this country; and, in times of unexampled difficulty, to preserve peace between England and the various nations of the world.”

There is no dogma laid down—no declaration of the opinions which the hon. and learned Member for Sheffield may entertain; but a plain declaration that the principles which have guided the Queen's Government are such as have tended to uphold the honour of the country and to maintain peace. It therefore appears to me that the latter part of the speech of the right hon. Baronet the Member for Tamworth was entirely unsuited to the question before us; because whatever may be the opinions of the hon. and learned Member for Sheffield—be they right or be they wrong—he has not placed before this House a resolution embodying those opinions, but one which refers to the known and practical course adopted by the Government during the four years of its existence. There is a despatch in which the principles that have regulated the foreign policy of the Government are laid down, and it will be seen that they are very different from those to which the right hon. Member for Tamworth referred as being opposed to those enunciated by Mr. Fox, Mr. Canning, Lord Castlereagh, and other eminent statesmen. In that despatch my noble Friend says—

“The Austrian Government has recently asked, and has received the assent of the Government of Great Britain to the principle that the several States into which Italy is divided are entitled to maintain and defend their independence; and that this independence ought to be respected and to be held inviolate by all the other Powers of Europe:

and Her Majesty's Government, in expressing their assent to this indisputable proposition, couple with it another which they conceive to be equally undeniable; that every independent sovereign has a right to make within his own dominions such reforms and improvements as he may judge conducive to the welfare of the people whom he governs; and that no other Government can be entitled to forbid or to restrain such an exercise of one of the proper attributes of independent sovereignty; and Her Majesty's Government are convinced that the Cabinet of Vienna must be ready to acknowledge so plain a political truth.”

These are the principles on which the policy of Government is founded; and why, then, should the right hon. Baronet have gone about seeking for reasons—searching far and wide for reasons to oppose the resolution, and finding them in some doctrines which the hon. and learned Member for Sheffield advanced in the course of his speech? The right hon. Baronet did not favour us with many other reasons for opposing the resolution, and I think they are not entitled to more weight than the one to which I have just alluded. The right hon. Baronet says it is a reflection on the preceding Government to declare that the present Government has upheld the honour of the country and maintained peace. That, again, appears to me to be a very far-fetched notion, and one which is not warranted by the resolution, or by anything which has been advanced in discussion. During the existence of the right hon. Baronet's Administration, I never either proposed or concurred in any vote to cast censure on, or express an adverse opinion of, the foreign policy of his Government; and if any one had asked me my opinion of the manner in which the Earl of Aberdeen conducted the foreign policy of the country, though I might have objected to some of his particular acts, and thought them, perhaps, not well considered with reference to some particular interests of the country, yet believing the whole course of his foreign policy was such as tended to maintain the honour of the country and preserve peace, I should not have hesitated to express that opinion, and indeed I have often declared it in private to those who spoke to me on the subject. If you will seek for a reflection upon the Earl of Aberdeen, it is not for his conduct whilst in office; but I must say, that although as Minister of the Crown he maintained the honour of the country, and with the intelligence of a statesman watched over and preserved peace, yet, during the time the present Ministry has been in office, his Lordship,

prompted as I believe by foreigners and other persons with whom he has been in communication, has, from time to time, uttered the most unfounded imputations and made the most unjust attacks upon the Government. I maintain, then, that whilst the resolution before us conveys no reflection on the late Government, it certainly does imply that there is no wish on the part of this House, that the foreign policy of this country should be directed principally for the benefit of foreign nations, instead of mainly for our own. This is so obvious a course of policy, that it may appear hardly to require any lengthened debate to prove its necessity, or any solemn sanction of this House to affirm it; but it appears to me that there has lately exhibited itself in this country a tendency to depreciate English objects, and to give credence to communications which come from I know not where, but from foreign Powers—sometimes the most incredible stories—sometimes diplomatic transactions which ought to be kept secret—and all these communications insinuate charges against the Government, which have a most unfortunate effect—if not on public opinion generally in this country, yet on the opinions of many who are in the habit of taking part in the public transactions of this country. I think the Greek papers before the House furnish manifest proof of the correctness of my statement. In the first place, although I fear to incur the censure of the right hon. Member for the University of Oxford, for indulging in praise of the English character, yet I must say, that it is characteristic of the people of this country to be great lovers of the truth, and in that respect they are superior to nearly all the nations of the world. Yet if we listen to what has been said in this House and elsewhere, relative to these transactions, we find that every English witness is disparaged and discredited who gives evidence in favour of the Government of his own country. Sir Edmund Lyons is a man distinguished in two professions, of the highest honour and great ability; but we are told that he is ready to adopt every idle story, and pass it without examination, and that therefore no credit can be given to his representations. Then, because a lieutenant of the Navy is naturally indignant at the falsehoods uttered with respect to an outrage upon the service to which he belongs, he is laughed at and ridiculed for what are called his warlike propensities. If an English Consul denounces

the falsehood of a Nomarch, or some other Greek officer, who asserts that some men were not thumb-screwed, when they were marched openly through the streets subjected to that torture, and seen by all the inhabitants of the place, the British Vice-Consul's statement is derided, and the Greek officer's statement obtains ready credence. I confess I feel somewhat indignant at such conduct. With whatever other faults Englishmen may be chargeable, if they pay little respect to the laws and usages of other nations; if they sometimes act in an overbearing and insulting manner to some nations they think inferior to ours in many of our national qualities—yet they always bear about them the distinguishing mark of a love of truth. There is no occasion in which this is not perceptible. In our criminal trials, as compared with those of other countries, we perceive how much greater is the tendency and readiness to tell the truth. If that be the case, are the British Houses of Parliament to found resolutions on the presumption that every Greek is to be believed, and every Englishman to be disbelieved? The statement of Mr. Finlay, a man of the highest respectability, as to the circumstances which prevented the arbitration in his case from being carried into effect, was discredited; and the right hon. Member for the University of Oxford relies on the representations of Baron Gros, who derived his statement at second-hand from a M. Privelegio. Baron Gros indorses the statement of this Greek, and the right hon. Member for the University of Oxford says, "I care not what Mr. Finlay may state, I have Baron Gros's authority against him." I don't want, now that the House has been sated with the subject, to go into the particular claims—I mean the claims of Mr. Finlay and M. Pacifico; but with respect to the assertion of the right hon. Gentleman the Member for the University of Oxford, that Mr. Finlay changed his mind from 1846 to 1848, I think that in the very letter which the right hon. Gentleman quoted there is an assertion exactly similar to that Mr. Finlay made in 1846—namely, that he would not have justice from the Greek tribunals, because as it was the presumption before the Greek tribunals that the King would be in lawful possession of his land, it was impossible they could give him any compensation for the arbitrary seizure of that land; and that sentence of Mr. Finlay's occurs between two sentences which the right hon. Gentleman read, but

most unfortunately he overlooked that particular sentence. Here is the statement:—

"With reference to my now carrying my claim before the Greek tribunals, M. Colocotroni is aware that any action I can bring must pass over the arbitrary seizure of my property. The Greek tribunals are compelled to adopt the fiction that the King lawfully held possession of my property for the King can do no wrong."

["Hear, hear!" and a cry of "Go on!" from the Opposition benches.] I will go on. I must say that this is a more than usual case of unfair quotation. I remember seeing Members of this House not unfrequently—wishing to make out their own case—read to a certain point, and not read what others thought not so favourable to that case. But the right hon. Gentleman went beyond this, because he read a paragraph at the beginning and a paragraph at the end. [An Hon. MEMBER: Read the whole.] As a wish is expressed to hear the whole, I shall proceed:—

"They must suppose with M. Colocotroni, that my expropriation was not a case of injustice. M. Colocotroni knows that the expense and delay attendant on bringing a case before the courts of law between a foreigner and the Crown for damages, where the wrong was inflicted prior to the revolution of 1843, is tantamount to a denial of justice for the present."

The right hon. Gentleman fixed on the words at the beginning of the sentence, talked of expense and delay, and said, fairly enough, if that were the only argument, if expense and delay were to be considered by you as a denial of justice, they were common to other countries with Greece. But that is not Mr. Finlay's statement. His statement is, that there is expense and delay with reference to cases which had occurred before the revolution of 1843; and Mr. Finlay's case was this—I advert to it as the right hon. Gentleman rather invites me to go into that case—that in 1836 or 1837, the King being entirely arbitrary and despotic, his land was seized. He was told it was to be of some use for the erection of a palace for the King, and applied to have fair payment for that land. Did they tell him to go before the tribunals and claim it? Nothing of the kind. They said, "We have not taken your land; you are perfectly mistaken. We don't want your land. It is still yours." He went to visit his land; he found that he could not get upon it; that it was used by workmen for the purposes of the royal palace; and he was actually excluded. Having gone on in this way for some time he at last writes a letter to the

noble Lord at the head of Foreign Affairs in this country. The right hon. Member for the University of Oxford said, this was not the case for the law of nations, but a case for the ordinary tribunals, and therefore that it ought not to have been discussed between the two Governments. But the right hon. Gentleman left out one fact—namely, that that appeal was made, not to my noble Friend, but to the Earl of Aberdeen, then at the head of Foreign Affairs, who, at the time, or a little before, was a Colleague of the right hon. Gentleman. The Earl of Aberdeen, instead of saying to Mr. Finlay, "Take your place before the tribunals," said to Sir Edmund Lyons, "Use your good offices to obtain redress for Mr. Finlay." As regarded the question of making this a subject for diplomatic interference, negotiation, and remonstrance—that was the act of the Earl of Aberdeen, and not of my noble Friend, and that was another circumstance which was omitted by the right hon. Gentleman. In no way does Mr. Finlay obtain any redress. The arbitrary and despotic power of the King was conclusive against his obtaining a fair price for his land. At length a revolution takes place, and about ten years after the land was taken, Mr. Finlay is told he might now go before the tribunals:—

"If you had told me that in 1837 or 1838," he says, "and the King had allowed the question to be fairly tried, I should have gladly resorted to that commission. But to tell me now, in 1848, when the case will be attended with expenses and delay such as will prevent me from obtaining justice, is in fact only a mockery of my claim."

And then the right hon. Gentleman quotes that as an alteration in Mr. Finlay's opinion. Without entering on the claims of M. Pacifico, I must say that I think the way in which this question has been brought forward in order to procure a censure of the present Government, is one, the justice of which, as the hon. and learned Member for Southampton remarked, would hardly be allowed in a court of law. The first question with respect to all these claims, it appears to me, is, has this man suffered grievous injury and wrong? The second question is, can he obtain from the ordinary course of justice in the country in which he is resident a remedy for that wrong? These are the two important questions; and if you look at M. Pacifico's claim with reference to those questions, I think you will find in the first place, that his wrong was a very grievous

ous one; and in the next place, that he did not procure redress from the ordinary courts of justice. But hon. Gentlemen and noble Lords who have brought forward this matter, leave these two points entirely out of sight, and go to a third point, no doubt important, but quite incidental, and put the question—Is this claim fair or exaggerated in amount? M. Pacifico may have made a claim exaggerated in amount. I am not going to argue that with you. But, although he did, if in the first place he has suffered grievous wrong, and in the second place cannot obtain redress, by a principle of the law of nations he was entitled to redress through the intervention of his own Government. With respect to the extent of claims my noble Friend says, when he first heard of the claim, he desired that an account should be got of the loss, and such an account having been received, that reasonable compensation should be asked. That was the amount of the noble Lord's instructions to the British Minister at Athens. With respect to these claims, let me state that much as these claims have been denied, much as we have been told—but not by the right hon. Baronet who spoke last; I must do him the justice to say he took no such ground—much as the justice of these claims has been denied, yet I do assert that it is in conformity with the usage of this nation and of all other civilised nations of Europe and of the world, to ask for remedy and redress from Government to Government in such instances. With respect to the United States of America, I find since 1830 that there have been no less than sixteen cases in which redress has been asked for with reference to injury inflicted on their own subjects. With respect to France, every one knows that the strongest measures have been taken because French subjects had been injured. And there was but lately a claim on the part of France on account of the property of French subjects destroyed at Naples, not by the Government, not with the willing assent of the Government, but destroyed during a riot which the Government were unable to suppress; and compensation was granted. An hon. Member asked me a question yesterday with respect to our claims on Naples, and it so happens that there has arrived, within a day or two, a despatch giving an account of the state of those claims. We have made a request to the Court of Naples to have an indemnity for certain British residents at Messina, whose goods were destroyed in the bom-

bardment of that place. The Neapolitan Minister of Foreign Affairs said, he was quite willing to agree to the principle which had been laid down, I suppose by the Queen's Advocate, he says by the Crown lawyers of Great Britain, namely—

“That compensation should be awarded for the loss of such property as was destroyed without sufficient necessity, whether wantonly, designedly, or by pillage.”

But it so happened that there were other representatives besides that of England at the conference. There were the Ministers of Prussia, France, and Austria. What do they say?—

“The Ministers of France and of Prussia said, that they could not adopt this principle without reservation. They said that the property of foreigners placed in the warehouses of a free port had always been considered to be under the guarantee of the Government to whose protection it was confided; and the compensation granted by the Belgian and Bavarian Governments for the destruction of property lodged in free ports at Antwerp and on the Rhine proved clearly that such a principle was generally recognized by European Powers.”

It appears, then, that the principle we proceeded upon was not only not extravagant, was not only not pushed beyond the usual law of nations, but within its range. And—

“Count Walewski also cited a case which occurred in Paris during the insurrection of the 23rd of June, 1848, when indemnity was claimed by the Neapolitan, and conceded by the French Government for losses suffered by a Neapolitan subject upon that occasion.”

It thus appears when a claim was made for losses suffered at Paris, that the French Government, as a Government that knows the law of nations and willing to do justice to foreigners, conceded that claim; and if the French Government had not vainly imagined that these claims might be made the source of war between other European nations—if they had listened only to the law of nations and to the justice of the claim, I am satisfied that twenty-four hours would have been amply sufficient for conceding the claims. And when we come to put forward those claims, one of which was met by evasions and procrastinations of every kind for fourteen years, and the least of them for more than two years, it is not too much to say if great evils occurred in consequence of those demands, they arose, not from any fault of Her Majesty's Government, but because, acting according to the law of nations, we were met by a Government which wished to add to all these unfair delays the fur-

ther injury of refusing our claims, in the hope that other Foreign Powers might support them in that course. What if we should submit to such a proceeding? What if we should fall into what appears to be the meaning of the resolution of the House of Lords, saying, "We will abide by what any Powers tell us is the protection of the laws in their own country?" What if we should entirely abandon the principle which the Foreign Secretary of State for this country from time immemorial has asserted, and say, "We will no longer act according to the principle which we have hitherto acted upon?" What would be the consequence? The French Minister would claim compensation for injuries on behalf of his country. The Government would grant that claim. The Prussian Minister would claim compensation for natives of Prussia. The Prussian Minister would obtain it. But when it came to the British Minister, it would be said, "No. Your British subject is not protected. He must have recourse to the laws of the country where he is resident. Let him make what he can of an appeal to its tribunals. Let him go from one Court to another. But the English Parliament have decided that while French, American, Austrian, and Prussian subjects shall all obtain the protection of the law of nations and of the justice of the case, no Englishman shall have that boon." Sir, that is one of the reasons, therefore, why I ask the House to assent to the resolution of the hon. and learned Gentleman the Member for Sheffield, because I think if that resolution is carried, that those foreign nations who might be encouraged by the resolution of the House of Lords to refuse all just claims, will see that it is not the opinion of the House of Commons of England that protection is to be refused to British subjects abroad. Sir, a much wider question has been raised by this resolution. The right hon. Gentleman the Member for Ripon was the first, and he has been followed by others in discussing the whole foreign policy of my noble Friend. Now, Sir, the allusion made by the right hon. Gentleman to the time when he was in office with my noble Friend, and to what took place with regard to Antwerp when it was besieged, and the Dutch ports were blockaded and an embargo laid on Dutch commerce, has induced me to look back to the debates of that time, and there I find that in another place the Earl of Aberdeen is represented to have stated that the Fo-

reign Secretary of that day, who was no other than the Foreign Secretary of this day, was animated by vanity or some feeling of that sort, and that he was sure Earl Grey, who was then at the head of the Government, did not partake in my noble Friend's views. He observed, as Gentlemen have observed in the debate, and with respect to which the right hon. Baronet has been already set right, that three of the great Powers of Europe were separated from us—that neither Austria, Russia, nor Prussia approved of the violent means we had taken to compel the King of Holland to sign a treaty of peace; and he called upon Earl Grey to discountenance and to disavow such a course of policy. Earl Grey made the answer upon that occasion which every one would have expected from him—that he entirely approved of the conduct of my noble Friend in the office of foreign affairs—that every step that had been taken had met his sanction, and that he and the rest of his colleagues were responsible for the course that had been adopted. Sir, I say that same thing at the present day, that we stand here responsible for the policy with regard to our foreign affairs; and we state it against the same imputation, now seventeen years old, which was made against the conduct of my noble Friend. Sir, with regard to the transactions that have taken place—most important they have been since our accession to power. The first which I think was alluded to was the Spanish marriages. My noble Friend has made a statement upon that point, and I do not believe any more than he that the Spanish marriages were the cause of the downfall of the French monarchy; but I do believe, and it is stated by various French authorities, that that preference of the interests of the dynasty to the interests of the nation, did tend in some degree to weaken the hold of the able Monarch who then ruled over France. And, Sir, I regret, for my part, seeing that the consequence that followed from the attempt of Louis XIV. to place one of his family on the throne of Spain, was a long and bloody war, and seeing that the consequence of the attempt of another Sovereign of France—the Emperor Napoleon—to place one of his brothers on the throne of Spain, was the continuance of that war; seeing, I say, these grave consequences of such events, I certainly regret that when that subject of the marriage of the Spanish Princess to a son of Louis Philippe was first mentioned to the

Earl of Aberdeen, he had not the foresight and firmness to say, "Though that marriage may be contracted, it is one that may produce very great evils to Europe, and the first consequence will be the loss of the friendship of this country." If that course had been taken by the noble Lord, that marriage would never have been further considered, and it would not have been one of the elements of discord in France at this time. But seeing that that was not done, that the matter was already proceeded with, and that it was clear that the French Government were intent upon it, it was very soon apparent that the conditions which had been voluntarily annexed to the marriage of the Infanta would not be adhered to, and that was a material additional cause for the estrangement of the two countries. Sir, there were other internal matters to which I need not allude, that were main causes of the downfall of that Monarchy; but I think that the House must agree when the hon. and learned Gentleman the Member for Abingdon talks about there being no circumstances of unexampled difficulty, that though perhaps not unexampled, yet circumstances of immense difficulty occurred when a monarchy was overthrown, and a Republic was placed in its stead, that republic being led by men, some of whom held up the example of the Girondins, and some that of the Jacobins of 1790. Sir, we had this difficulty, that it was the descriptive characteristic of the Girondins to show hatred and animosity, and that it was the descriptive characteristic of the Jacobins to propose and to carry into effect by that most terrible means a propagandist war. We could not be insensible to the danger, that men who professed to admire those principles, would be likely to adopt a similar course of policy. But we had a warning before us. It must be admitted that the conduct which was pursued in 1792, which was intended to preserve peace, had failed in so doing, and had failed, as I believe, because the communications between England and the great Powers of the Continent did not extend to France, but omitted her altogether. At a late period of the war, in 1797, I think, Mr. Fox said that if what had been then communicated to Russia had been communicated to France, he should have had nothing to say on the subject. So small, apparently small, is the difference between two great men in cases of this nature. Sir, with that warning before us, we thought the best

course we could pursue was to show every friendly disposition to France, to maintain our adherence to existing treaties, but with that adherence to show ourselves as ready to consort on political affairs with Republican as with Monarchical France. You have seen that gradually those men who then took the lead have been replaced by others whose views are not so extreme, and whose conduct is less likely to be at variance with those existing arrangements which were established by the peace of 1815. I say this, therefore, that our friendly conduct towards France—our readiness to consort with France upon any subject of European importance—thus showing her that she was in no danger of any foreign invasion in which England should participate, has been a great element in the peace of Europe, and an element in times and circumstances which bore, at least, some resemblance to those which led to the most bloody and costly war upon record. I say, therefore, Sir, when you come to hear one Gentleman after another—one picking up a single phrase in a despatch, another telling us of some explanations from a balcony, and another adverting to some circumstance equally trivial—I say that I do not pretend to defend every one of those particular circumstances, or the tone of each particular note; but I tell you that we have been in circumstances of great difficulty; that we have preserved that peace which our ancestors thought themselves constrained to abandon; and I ask you to judge us by the principles we have professed, by the principles to which we adhere, by the results which have ensued; and not by trifling circumstances which now in holiday time, when the danger has greatly passed, Gentlemen may pick out of the newspapers. Sir, one of the most difficult topics, and I must say that it was one on which we no doubt had to pursue a course that now cannot be exempt from fair criticism, was with respect to Naples and Sicily. The advice which the Earl of Minto, under the instructions of my noble Friend, had given to the princes of Italy whom he saw, was, as the hon. Member for the West Riding very fairly says, to make administrative reforms, to endeavour to introduce purity into their tribunals, a good administration of the law and finances, and thus to prepare the way for representative constitutions, but not to introduce such constitutions by force. The King of Naples took an opposite course—

he refused everything. One day, after everything had been refused—the most temperate reforms even—there was a tumult in the streets, and the King of Naples came forth, granted a constitution, and every favour that was asked on the part of the people. This has been narrated, along with other circumstances of great importance, by an author of the name of Parini, who in a book lately published gives a history of the circumstances of Rome. The effect of giving that representative constitution, together with the revolution of France immediately following, was to excite a flame in all Italy for the adoption of similar constitutions. A little previous to the French revolution, but a little after the grant of that constitution by the King of Naples, the Earl of Minto was invited by the King to go to Naples in order to assist him in his negotiations. The Earl of Minto had repeatedly written, private letters indeed, both to my noble Friend and myself, stating that he was desirous to come home from Rome, and not to go to Naples. He considered it, however, his duty to go to Naples, where he was then employed day and night in consultation with the King and his Ministers, in order to frame propositions which, as he thought, would preserve the crown on the head of the King of the Two Sicilies, and at the same time would be sufficient to satisfy the subjects. They succeeded in framing what was deemed to them satisfactory, and the Earl of Minto obtained the consent of the King to break them to Sicily. News of the French Revolution arrived at the same time, and the conditions which had been previously promulgated by the Neapolitan Government themselves were refused without some further alteration. That alteration was sent to the Earl of Minto by the King, with an account of what had taken place being at once refused, and the Earl of Minto returned to Naples; but so far from his being supposed at that time to excite a revolution in Italy, the rumour in Naples was that his house was about to be attacked because he had advised the King to adhere to existing treaties, and not to send troops to attack the Austrian possessions. But those conditions in Sicily having entirely failed, the Sicilians then thought themselves able to set up an independent Government, and the question for them to decide was whether they should make it a monarchy or a republic. Now, in ordinary circumstances I quite admit,

and it is very easy for hon. Gentlemen to say so, that the King had a right certainly to claim the allegiance of his subjects; that he had a right to endeavour to induce them again to submission, and that foreign nations ought not to interfere until a sufficient time has elapsed to show that that country has entirely established its independence. But, Sir, those were not ordinary circumstances, all Italy being inflamed, agitated, and excited by the spectacle of a French revolution, which had spread all over Europe, and was creating dissension and confusion in the various capitals of Europe. The question for us to consider then was, whether the spectacle of a democratic republic set up in France might not spread over the whole of Italy, and France and Italy form united democratic republics, dangerous to the peace of Europe, and dangerous to the peace which connects those countries with England. We thought that these were extraordinary circumstances, and that it might be permitted us to go out of the ordinary path in regard to them, and to say that if the Duke of Genoa were chosen king, we would be ready to acknowledge him. I admit that that was not the usual course; but again I say that the circumstances were extraordinary, and we were desirous, according to the best of our judgment, to prevent the extraordinary events which had taken place in France from being repeated in Sicily, and of preserving among the people the forms of a settled Government, and the elements of authority. We took what we judged to be the best course, and we adopted it upon our own responsibility. I cannot say that the course of events justified either our foresight, or that of the King of the Two Sicilies, in thinking that the Sicilians would establish their independence, because events took another course. If, however, they had established their independence, I think you would have been glad now that they had not furnished to Italy the spectacle of a democratic republic. But I say that, in asking you to pass a judgment upon those things, I do not ask your approbation of all the particular steps, but I ask you to show forbearance—some consideration for the circumstances of extraordinary difficulty—and to give us credit at least for not having attempted propagandism of any sort, in endeavouring, if possible, to provide the elements of authority and liberty in those countries of Europe in which we had any influence. Well, Sir, there is another

question which has been touched upon, and touched upon, I think, with the same unfairness which has marked the comments upon our conduct in other cases—I mean an interference with respect to the demand of the Hungarian refugees. It has been objected that the fleet under Sir William Parker entered within the outer castle of the Dardanelles, and, in contradiction of the subsequent explanation of my noble Friend, it has been stated, on the authority of a captain of the fleet, that it was not driven there by stress of weather. I think Sir William Parker is a person who may be believed upon his own statement; and his statement is—the phrase perhaps is not strictly accurate—but he states that the anchorage outside the castles is an unsafe anchorage when the weather is tempestuous, and that, as the Turkish authorities and Sir Stratford Canning, our own Ambassador, thought he might proceed within the inner bay, and that the fleet would be safer there than in the outer bay, he had thought it proper to adopt the suggestion. I believe that statement is strictly accurate; and I think it is proved by this, that my noble Friend, not agreeing, as far as I remember, in the opinion of Sir Stratford Canning, that it was in accordance with the treaty respecting the passage of the Dardanelles that the fleet should not anchor in the inner bay, orders were immediately given to Sir William Parker to go back to Besica bay, which he accordingly did, and, a gale having soon afterwards sprung up, the result was that two line-of-battle ships dragged their anchors. That is a proof, I think, that it was not a safe anchorage. It is, therefore, mere quibbling to say that stress of weather was not an apposite phrase to use because it happened to be a fine day when they entered the Dardanelles. They went there, as I have said, for more secure anchorage during tempestuous weather. I beg to pass now to the question which was the cause of the expedition of Sir William Parker to the neighbourhood of the Dardanelles. The Hungarian refugees had been demanded—not their expulsion, as the right hon. Gentleman says, but that they should be surrendered and given up. This demand was made by two powerful neighbours—the Emperor of Russia and the Emperor of Austria. The Sultan took alarm. He asked the English and French Ambassadors if he might expect support from their respective countries. Both replied that he might count upon that. I know not what

the French Ambassador wrote to his own Government, but our Ambassador—as able a man as ever filled a diplomatic post—said that the resolution of the Turks to maintain their independence for the future, after several previous infractions of that independence since their power had become reduced, would mainly depend upon the answer given by this country to his appeal. The answer we gave was this:—

“We will make a friendly representation to the Emperor of Russia, but, at the same time, we will give instant orders that, in case the Emperors of Russia and Austria should persist in their demands, the Sultan shall have the assistance of a powerful English fleet.”

Why, Sir, the Emperor of Russia behaved, I think, not in a manner which was humiliating, as it is said we behaved when we agreed to conditions different from the former proposals, but in a manner which I consider to have been highly wise and magnanimous. Upon the representation of the Sultan, he entirely altered his former decision, and abandoned his demand at once. He made a proposal perfectly fair and reasonable, and withdrew altogether the proposal for the surrender of the refugees. But it was not improbable that the Emperor of Russia, with such power as he possesses, should feel that this power would diminish in public opinion if, having made a peremptory demand, he should recede from that demand. We took the risk of a refusal, and we determined to send a fleet. The hon. Member for the West Riding of Yorkshire, echoing a hundred others, says that we are not afraid to attempt the coercion of a weak nation; but that when we have to deal with a strong Power, then we soon take a humble tone, and entirely weaken our language. Well, I think that the act to which I have just referred was a good deal stronger than any language of my noble Friend. The readiness to support the independence of Turkey—to support it at any cost—and to save Europe from the degrading spectacle of seeing refugees given up to punishment by a Power in whose territory they have taken refuge—I say that that act was a good deal stronger than any answer my noble Friend has written, or than the note which the right hon. Gentleman the Member for the University of Oxford admires because he thinks it tends to humiliate the Government. When I am saying this, don't let me be mistaken in any way—although I think my language ought to prevent the error—as

asserting that the sending of a French and English fleet to support the Sultan was the cause of the change in the counsels of the Emperor of Russia. I give him the highest credit for having, upon receiving the representation made by the Sultan, desisted from a demand which at the time he probably thought was indiscreetly and unfairly made. I give him every credit for that act. I only say that, if his decision had been otherwise, we were ready to encounter the peril of that decision; and that the weight of the two Powers would not have deterred us from interfering in a just cause, and in behalf of an object connected at once with the safety of individuals and the independence of one of the Powers of Europe. Well, then, we had those demands to make upon Greece. Our fleet was in the neighbourhood of the Dardanelles, and, instead of going to Malta, it proceeded at once to Salamis Bay. Great importance has been attached to the fact of our sending so large a fleet; but the circumstance is very simple. If we had sent a fleet from Naples on purpose, probably a smaller force would have been deemed sufficient; but, being already under the command of Sir William Parker, there was no inconvenience and no fault committed in desiring Sir William Parker to go with that fleet to the Bay of Salamis, and, if it was necessary at length to resort to measures of reprisal and coercion, to show a force far more than sufficient to enforce our demands. I beg to say also, that if the event of making those demands had been fairly considered by the Foreign Ministers in Athens at the time, little difficulty would have been encountered on that subject. In the course of the last ten years—sometimes under the Earl of Aberdeen and sometimes under my noble Friend—many cases have happened in which the denial of justice by the republics of South America has been followed by redress. I have one here now before me, in which the Earl of Aberdeen proceeded to reprisals, in the case of two merchants whose claims had not been attended to. My belief is, that if the Foreign Ministers at Athens had acted in the friendly manner towards England in which English Ministers and Consuls have often acted towards other Powers of Europe in similar circumstances, the whole affair might have been settled in a few hours, and Europe would not have beheld the spectacle it did. I have stated already that we thought it our duty no longer to permit those insults to

continue. Insults I call them, because it is not merely that the replies to our demands were insufficient, but if any one will look through the blue books, and consult the letters of Sir Edmund Lyons, he will find, with reference to the outrage on the 4th of April, Sir Edmund Lyons saying, that his letters to the Greek Government calling for redress in April, May, and October, were all left unanswered; and, considering that every now and then the Greek Government have expressed their gratitude to England, as one of the founders of the kingdom of Greece, I think that even on the ground of the common courtesy which nations pay to one another, they ought at least to have answered our Ambassador's letters. That they did not do so looks very like as if an insult must have been intended. My right hon. Friend who spoke last, without finding much to complain of in our demands, says, that when we accepted the good offices of France, we might have brought the affair to a more speedy conclusion. I will not dispute with the right hon. Gentleman whether our conduct in every point was right with respect to those claims. I think it is not very difficult, when a matter has some time passed, to say that some little alteration in the course we pursued would have been better and might have led to a speedier conclusion. I remember an instance:—An injury was inflicted upon a person named Pritchard—a subject of this country holding an official situation under the Government of the Queen. The right hon. Gentleman was asked with respect to that case, and he gave an answer which struck me as an answer becoming the spirit of an English Minister. The negotiation lingered for some time. For my part, so far as I was concerned, I stated that I was quite ready to leave the whole matter to the discretion of the Government, and that I was ready to support any agreement on the subject which should exhibit the same spirit as his answer; but when, some time afterwards, I asked a French statesman what was the cause of the delay in the settlement of the case, seeing that it was clear the French were in the wrong, and that reparation was undoubtedly due to us, I was told that the language of the Prime Minister in the House of Commons was so exceedingly haughty, and had given such offence to the French Government, that it was not possible at once to come to a conclusion on the subject. I then saw that the speech I had ad-

mired for the spirit it displayed, would have been more discreet if it had been more guarded, and that we should have come more speedily to an arrangement with the French Government. I made this criticism upon the conduct of the right hon. Gentleman then, saying at the same time that it was quite natural that he should have given the answer he did give. But with respect to these affairs, if we showed a willingness to accept the good offices of France, which we did accept—if we showed a willingness in the end to concur with them in an arrangement which, although it might not seem perfectly reasonable to us, was more satisfactory to them—I think the House will see that there is not only no danger of the interruption of peace, but that there is, on the contrary, just as much prospect of the re-establishment of intimate relations with France now as there was in 1845, at the time of the unfortunate affair of Mr. Pritchard. The right hon. Gentleman, and other hon. Members who have preceded him, have spoken of the general maxims and policy by which we have been guided. I have no hesitation in saying that I think the great majority of this House are agreed upon the general principle they would wish to be adopted—not to interfere in the domestic affairs of other nations. Not to interfere is undoubtedly the rule, but it is not always very strictly observed, even by persons so abhorrent to interference in the affairs of other nations as the Government which preceded us. I find, in a paper laid before the House, a despatch from the Earl of Aberdeen with respect to the Greek loan. No doubt, the English Government had a right to require payment of the interest of that loan, and even, as the right hon. Gentleman opposite asserted, to take forcible possession of a portion of the revenues of Greece to defray it; though I think he would not easily do that without much more difficulty than we have had in enforcing the claims of Mr. Finlay and M. Pacifico. But, in asking for the payment of this interest, after stating most strongly that Great Britain was determined to speak “a language which can no longer be misunderstood or set at naught,” the Earl of Aberdeen says—

“It will be your duty to declare at the same time, that we shall not cease to urge and require the introduction of a system of rigid economy in the different branches of the service of the State, and especially in that of the War Department, which is still altogether disproportioned to the real wants of the State.”

Here is such an opinion as the hon. Member for the West Riding might give at Bradford with respect to our own army estimates. The Earl of Aberdeen further says—

“You will inform the Greek Government that we shall still continue to insist on the necessity of administrative reform and a reduction of the armed force. The expenses of the War Department continue to absorb one-third of the revenues of the State. Brigandage has increased. The guaranteeing Powers are justified in viewing this state of things as the evidence of a vicious administration, which must be remedied by prompt measures of improvement. Wherever disorders prevail, the finances of the State must suffer. But the dilapidation of the Greek finances throws an undue burden upon the guaranteeing Powers. This Great Britain, as one of those Powers, cannot, and will not, longer allow.”

That is justifiable language; but surely I shall not be told that it is not a comment upon the internal economy of Greece. When you tell they must reduce their armed force, that their War Department is much too expensive, that their whole administration is vicious, I think you are hardly entitled to come and read lectures to my noble Friend because you have found some fault with a despatch to Sir Henry Bulwer with respect to the conduct of Spain, which was not only under great obligation to us, but was also considerably in our debt for advances made to that State. Then these questions, though non-interference is the rule, must be decided in each particular case according to the necessities of the case. From the time of the Revolution—a revolution itself begun and supported by a Dutch army—down to the suppression of the rebellion of 1715, which was effected by the aid of Dutch regiments, and from 1715 to the present time, there have been few years without the interference of some Power or another in the internal affairs of other States, grounded upon some presumed necessity. I suppose it will not be said, after the examples I have quoted as occurring in our own country, that all interference is to be at once condemned. But then we are told, and I think the hon. Member for the West Riding laid down this new maxim, that not interfering ourselves we are not to permit other Powers to interfere. [Mr. COBDEN intimated his dissent.] I certainly thought the argument of the hon. Gentleman was entirely in that direction; and in case any one else should lay down such a maxim, as the hon. Gentleman has not done so, I must say that a maxim more fruitful in war could not be adopted. Why, when

the Allied Powers at Verona thought it absolutely necessary for them to interfere at Naples, we should have had a war with those Powers, and when they again interfered in Spain, another war would have been the consequence to prevent that interference. I think, therefore, that in adopting non-interference as the rule, we should guard ourselves against laying down any such absolute maxim as would prevent this State from interfering in a case where absolute necessity for interference might exist. My noble Friend quoted the case of Portugal. Soon afterwards occurred the case of Spain, and that interference was suggested by an eminent statesman, Prince Talleyrand, then Ambassador at this Court, who felt that the success of the Carlists in Spain would be dangerous to the house of Orleans in France. It is for statesmen on different occasions to judge of the dangers which threaten their countries. Holding, then, that we cannot lay down any absolute rule of non-interference, I will only say that when interference is absolutely necessary, and in cases where influence without interference may be used, our interference in such cases of necessity, or our influence when it can be exercised, should be applied to the promotion of that temperate liberty in which both liberty and order consist. I can see no harm, but much the contrary, likely to result from such a course; for, without preaching any propagandism, we say it is our desire to see institutions, whether they are called monarchical or republican, which combine the elements of authority and of freedom. Such institutions exist in this country; such institutions exist in the United States of America. They are institutions that tend to promote the happiness of mankind. But they have a more important influence. They tend to promote the independence of nations. A nation that has a free Government, in which the representatives of the people are called upon to consider the public interests, is far less likely to be subjugated, or to submit to the influence of a foreign Power, than a nation where a Court by its own despotic will rules the destiny of the people. It is for the interest of England that the independence of nations should be supported, and the general balance of power maintained. I say also that besides the general interest of mankind, it is our particular interest with regard to Europe that freedom should be extended. I myself rejoice

that after all the trouble, confusion, and bloodshed of the year 1848, two Powers, both of considerable importance—one from its magnitude, the other from its position—Prussia and Sardinia, have been placed in a way to establish permanent representative institutions. I am not afraid to say that I rejoice at that result. I am not ashamed to say that I should be glad if other nations could safely, when they are prepared for such institutions, follow such examples. Our best influence, after all, is to be obtained by affording an example of order and of liberty to others. But, Sir, at the same time, it is a great advantage that it should be understood in Europe that we take part with neither of the extreme parties which now divide it; that while we abhor the crimes which produced the assassination of Rossi and Latour, we also disapprove of those acts which deprived nations of ancient rights, and have given their best blood to be shed upon the scaffold. I think it is of great use to Europe and the world that the Government of this country should be understood to approve of neither of these extremes—neither of the wildness of democracy, nor of the iron rule of despotism. I say that these extremes produce and succeed to each other; that the absolute tyrant leads to the unbridled demagogue, and the unbridled demagogue, in his turn, leads to the iron rule of the tyrant. I wish to see neither of these kinds or forms of government prevail; and I beg this House to be aware lest, in censuring a Government which has held that middle course—which has detested the excesses of despotism and the excesses of licence, they should be thought to declare themselves in favour of one of these parties—of which, I need not say. It will be understood that neither the other House of Parliament nor this is disposed to approve of the excesses of democracy; but if you, by your votes, put a negative upon this resolution, if you inspire joy in the hearts of all the lovers of despotism, and all the haters of liberty throughout Europe, you will be inflicting a great public evil, which will not be compensated, as you may suppose, by the more firm establishment of authority, of law, and of tranquillity. On the contrary, if those who, by working so strenuously and so courageously in the cause of order in Europe have gained the superior influence, if they act with moderation, if they gradually lay the foundation of freedom, and proceed to erect a

superstructure upon it, they may hope to maintain order and tranquillity. But depend upon it, that any attempt to suppress opinion, now that the men of Europe have been so much instructed in political doctrines, any endeavour to throw them back into silence, to refuse them political rights altogether, would not end in the establishment of despotism, but, in the present state of men's minds, it would end, if not in the establishment, at least in the temporary rule of a wild democracy. Let the House beware, then, how they countenance opinions of that kind. This cannot be denied, that the overthrow of the foreign policy of the present Government would be hailed as a triumph by all those who, up to 1848, thought their only security consisted in silencing the press, in forbidding free instruction, and in shutting out free institutions. All those men would rejoice if they were told that the present Government was removed. There are other considerations, upon which I shall hardly venture to dwell, but which were touched upon in that most able and eloquent speech of the hon. and learned Member for Southampton. Although the rumours may not have reached the ears of the right hon. Gentleman the Member for Tamworth, and although I believe that those who contemplate at all infringing upon the commercial policy which he has laid down would consider him the last person to be admitted to power, yet the rumours are very rife that there has been a way discovered—a mode which has been as yet imparted only to a few, by which those dissensions which since 1846 have been so marked may at once cease, and harmony be re-established. I cannot well believe that such should be the case. I cannot believe that Gentlemen who have followed the right hon. Gentleman in that course which he pursued in 1846 would now abandon those principles, or lead the people to suppose that there was any danger of a reversion to our former policy. I cannot believe, on the other hand, that those who have so loudly declared their adherence to the principle of protection to native industry, would now on a sudden abandon that principle, and give cause of bearing in their own persons the invectives and the reproaches which fell upon the right hon. Baronet and those who followed him in 1846. For then, indeed, instead of that inspiring example which was held out to the farmers of England, that the day would come when the cry would issue

from the lips of their leader, "Up, guards, and at them!"—we should have a totally different military manœuvre; instead of the victory of Waterloo, we should have the capitulation of Ulm; instead of the glory of Wellington, we should see the disgrace and degradation of Mack. I cannot believe that those who have so loudly proclaimed to the farmers their adherence to such maxims will now desert them; they have too lately and too loudly avowed those principles now to be enabled to tamper with or to compromise them. But this I know, that with respect to ourselves, we have endeavoured to carry on the government of this country, both with regard to its domestic and its foreign relations, in times of great danger, in such a manner as that there should not be any disturbance of the tranquillity, of the peace, of the progress of industry in this country, and at the same time to propose from time to time such improvements as it seemed to us might be safely adopted. In that course we have received, I fully admit, the cordial and constant support of the right hon. Gentleman the Member for Tamworth. He no doubt, on considering the course we had adopted, found that that course was consonant to what he believes to be the true interests of the country; but, nevertheless, I feel an obligation to him for the manner in which he has given that support, giving it freely, giving it frankly, and at the same time never attempting to show that it was by his support that the majority of this House were induced to uphold the measures of the Government. If the right hon. Gentleman—if the right hon. Baronet the Member for Ripon, think fit to withdraw that support, they must be aware of the difficulties that may follow, of the perils to which they expose a policy of which they have been the supporters and the approvers, of a great part of which they are themselves the authors. That is a consideration, not for us, but for themselves. All I can say is, that if in the course of four years we have been following principles of foreign policy which were inconsistent with the honour and dignity of the country, and which wantonly endangered peace with foreign Powers, whatever domestic policy such a Government might pursue, the sooner it is displaced the better for the interests of the country. I cannot conceive that a Government should be allowed to continue, which, although this House is late in discovering it, is yet discovered to have been for four years sacri-

ficing the honour and endangering the peace of the country. I am persuaded, for my own part, that we have done neither the one nor the other. I feel, on the contrary, that we have been able successfully to contend with great dangers. I feel that at this moment there is no circumstance which threatens the peace that connects this country with other Powers of Europe. On many subjects we are in constant and intimate communication with those Powers. Russia, for instance, has been mentioned as holding an unfriendly station; but there is no week passes that my noble Friend is not in communication with Russia with respect to points of policy on most important subjects, on which the two Powers are fully agreed. Let not any man, therefore, be misled by the notion which the right hon. Gentleman the Member for the University of Oxford stated last night, that while my noble Friend was Foreign Secretary, this country was constantly on the brink of war. Why, that would be indeed a strange conclusion to come to, seeing that in the thirty-five years of peace we have so happily enjoyed, for upwards of fourteen of them the foreign affairs of this country have been under the peculiar administration of my noble Friend. If such has been the case, I think it is a presumption that there has been, however it may be denied, a foreign cabal at work, which has endeavoured to impose upon the public of England false statements, which for the sake of its own ends has raised unfounded suspicions with respect to the foreign policy of England, and which endeavours to overturn that foreign policy, partly out of a wish to see a Government more favourable to views of absolute power on the Continent, and partly out of a wish to diminish the power and reputation of England. But those who frame these designs forget two things. They forget that, however it might be avoided by the opponents of my noble Friend—however they might try to shirk and evade the contest, a day might come when my noble Friend himself would be able, in his own masterly language, and with his own command of a knowledge of all the circumstances that have taken place, in this House to make his triumphant defence. Happy indeed would it have been for the opponents and the enemies of my noble Friend and of the Government, had they been able by transferring the scene of battle to another quarter to put an end entirely to this controversy, without my noble Friend having once been

heard upon the subject. How many unfounded statements, how many rumours invented for the purposes of calumny might still have lived, might still have been in existence, had my noble Friend not had an opportunity of addressing this House. That is one circumstance which the enemies of the foreign policy of this Government had not counted upon. It was an opportunity they were not anxious to court, and I believe most desirous to avoid, but they were not able to avoid it; my noble Friend has been heard in his defence. There is another circumstance I think they had not counted upon, which is, that although the people of England are generally very indifferent, and often ill-informed upon foreign affairs, to which they do not pay any constant attention, there might come a day when, roused by the prevalence of views clearly indicated by foreign interests, they might arouse themselves, and awake and give their attention to this subject, and say, "Is it true that the honour of England has been stained, that peace with Europe has been endangered, while the noble Lord has had the conduct of the foreign policy? and if it is not true, is it our business as the people of England to allow such an unfair pursuit to end in his defeat?" This, as I have said, was not reckoned upon; this, I believe, is taking place. For my own part, by the verdict of this House and the verdict of the people of England, I shall be ready to abide, fully convinced that we have consulted the honour of the country, and during most difficult times have preserved to you the blessings of peace.

MR. DISRAELI: It is with unfeigned reluctance that I rise to address the House at this hour (two o'clock). I trust the House will consider it, on my part, not an act of presumption, but of necessity. But considering all the circumstances of the case, and the direct appeal made to me by the First Minister, I cannot but feel that I should be wanting, not only in self-respect, but in duty to those Gentlemen with whom I have the honour and satisfaction to act in political connexion, were I to give a silent vote on this occasion. I promise the House that I will not forget the hour, but I must trust not only to their indulgence but their generosity, and that they will not forget that the occasion is great and peculiar. In the extreme desire of Her Majesty's Ministers to be censured, they have found great fault with me, that I have not become their censurer. The noble Lord

the First Minister has said that it devolved on me, as an act of constitutional duty, to propose, in consequence of the vote in the House of Lords, a similar vote for the adoption of the House of Commons, and not to have left it to an independent Member of the House, who sympathises with the policy of the Government, to propose a vote of confidence in that policy. And then the noble Lord, with singular inconsistency, refers to a precedent in 1833, when the House of Lords also came to a vote of censure of the foreign policy of the Whig Government of that day; and when Colonel Davies, a gentleman, the noble Lord assures us, as independent as the hon. and learned Member for Sheffield, consequently proposed a vote of confidence in the Government. As far then as precedents go, as quoted by the noble Lord, it would seem I was quite warranted in leaving the task to the hon. and learned Member for Sheffield. There are, however, other precedents and more recent ones. Since I myself have had the honour of a seat in this House, I can remember the House of Lords arriving at a vote of great gravity on the government of Ireland, and which the Ministry of the day accepted as tantamount to a vote of want of confidence in their administration. Well, was it the leader of the Opposition—an opposition the most powerful that ever existed in this country—presided over by a personage not less distinguished than the Member for Tamworth, who on that occasion was expected or invited to come forward and propose a vote similar to that which the Lords had adopted? Not at all. The vote proposed in the Commons was a vote of confidence in the Government to counterpoise the vote of censure in the Lords. And who proposed it? Not even an independent Member of Parliament. It was proposed by the leading Minister in this House—and that Minister was the noble Lord himself. A debate of five days ensued, and the Government was confirmed in the exercise of their authority by a triumphant majority of 22! Before I touch on the resolution immediately before us, I would make one observation on the remark of the First Minister with respect to Lord Aberdeen. The noble Lord says that Lord Aberdeen has been in the habit in his place in Parliament of making the most unauthorised statements with respect to the conduct of the Government in the management of our foreign affairs. This is a very grave accusation, and it would have

been as well, I think, if the noble Lord had deigned to substantiate it by some reference to details. In their total absence, though I have no political connexion with Lord Aberdeen, I feel bound to say that I have always read the speeches of that distinguished statesman with the due attention they merit; and that during the four years to which the observation of the noble Lord applies, I can recall no one statement of Lord Aberdeen as to our foreign affairs that was not fully justified by preceding facts; and, I might add, no judgment which subsequent events have not fully warranted. The noble Lord talks of certain rumours—of certain rumours which he supposes may not have reached the ear of the Member for Tamworth. I scarcely apprehend the particular rumours to which he refers, but in a country like this political rumours are always rife. Very recently, for example, only just before the opening of the Session, there was a very prevalent rumour that the noble Lord was going to impose an 8s. duty on the importation of foreign corn. Perhaps that rumour may not have reached the noble Lord's ear. And yet it was one that was very credited even by many of his friends and followers. The learned Member for Sheffield, in introducing his resolution, complained of some alleged language of mine that would seem to intimate that he was not unwilling to become the useful instrument of the Government in the step he was taking. He imputed to me the expression "arranged machinery" in relation to himself and the Government. I did not correct him at the time, because I would not interrupt him at such a moment on a mere personal point; but the expression has been repeated in the course of a protracted debate, and therefore I may be permitted to assure the hon. and learned Gentleman that he was quite in error in his impression. All I did say was, addressing myself to the noble Lord, that if he were not himself disposed to ask a distinct vote from the House, he might at least avail himself of the obvious and offered machinery presented by the notice of the learned Gentleman—perhaps not a phrase remarkable for its felicity, but surely not one calculated to ruffle even the most irritable temperament. The resolution of the hon. and learned Gentleman, however, though not proposed in collusion with the Government, has been sanctioned and adopted by them; and in now commenting upon it, I regard it as put for-

ward with all the official authority of the Treasury bench. That resolution was occasioned by one adopted by the House of Lords, which proclaimed the principle that it is the right and the duty of the Government of this country to secure to Her Majesty's subjects in foreign States the full protection of the laws of those States. The Secretary of State, when he rose the other night, flatly denied the truth of this proposition. I was for the moment lost in amazement at his audacity, but the cheer which followed his repudiation had scarcely subsided, when the noble Lord dispelled my astonishment by entering into an argument which fully admitted the principle which he had challenged. The Secretary of State denied the proposition, because it did not go far enough; but if it did not go far enough, so far as it did go, it was nevertheless true. The question is, did the House of Lords recognise no other right and duty in our Government with respect to the security of our fellow subjects in foreign States, than the one they thought it expedient to assert? Did they mean to limit the rights and duties of our Government, instead of establishing them? Certainly not; the House of Lords laid down no rule that if the laws of foreign States were not sufficient for the protection of British subjects, other means of redress were not to be resorted to. The noble Lord, however, would seem to have assumed quite a converse position. He maintained that it was the duty of our Government to secure to British subjects in foreign States full protection, without any reference at all to the laws of those States. In other words, a British subject in Greece, for example, was to look for redress for any grievance, not to the local tribunals in the first instance, but in the first instance and absolutely, to the British admiral on the nearest station, or to the British Minister in Downing-street. Now, I want to know in what position would this country be placed with regard to foreign Powers, if this principle were really acted on? I will again take the instance of the country, our relations with which are immediately under our consideration. Greece is a country abounding in British subjects who are not Britons. Act on the principle asserted by the Government, and the Greeks of Ionia, the various populations of Malta, the Spaniards and Jews of Gibraltar, a teeming and scheming race, not distinguished by the highest morality, pursuing avocations in which the law frequently interferes or ought to inter-

fer, would, whenever it had, or fancied it had, a claim, or grievance, bring it at once not before the tribunal of the country, but before the nearest military or naval officer in Her Majesty's service, or before Downing-street, or before the English Parliament. The independence of Greece would, under such circumstances, indeed, be a mockery. The Secretary of State alleges the character of the Greek people, and the circumstances of their social state, as sufficient reasons for his principle: the Greek tribunals are corrupt; the population is savage and rapacious; there is no justice in a land of bandits. But if this be so, it might be a very good argument against recognising the independence of Greece, but not of violating its independence. We have to deal with a country which we have declared to be independent; which consequently possesses all the rights and owes all the responsibilities of independence, and we cannot, *a priori*, declare that the tribunals of such a country are incompetent to redress the wrongs of our countrymen who may be dwelling in it. Her Majesty's subjects so situate must take the consequences of their locality, and before they call for the supplementary aid of the law of nations to redress their wrongs, they must have exhausted the assistance which the municipal law of the land in which they choose to live provides them. And here, Sir, perhaps I may be permitted to express my surprise, that the hon. and learned Gentleman the Member for Sheffield, an Englishman, and not only an Englishman but an English lawyer, should have spoken in terms so slightly of the law of nations, as if instead of being a code matured by the wisdom and experience of ages, it was, as he would have us believe, only a bundle of medley maxims got together by chance and expediency. I think when the hon. and learned Member recalls the names of Lord Mansfield, of Sir William Scott, of Sir William Grant; when he recalls the great transatlantic name of Judge Story; when he remembers how the practice of war was humanised by the decrees of Lord Stowell, that they were quoted and referred to by foreign nations even in times of warfare—he will scarcely feel justified in the opinions which he expressed of a code which has so materially advanced the civilisation of Europe. Sir, it is said that the House of Lords itself qualified the principle on which it condemned the foreign policy of the Government. I find no such qualifi-

cation recorded. But were it so, I could not give my adhesion to such qualification. I cannot agree that the principle which the House of Lords laid down applies only to countries in which constitutional governments prevail. It is a principle; an absolute principle of law; and applies to all countries. But if in some countries it happens not to be practical, that does not prove that the principle is to be superseded by violence, but only that it is to be sustained by means equally legal. The hon. and learned Member for Sheffield asks how a British subject is to obtain relief under a despotic government. He takes the instance of Russia, and says, that the Emperor might banish an English suitor, as he might one of his own subjects, to Siberia. The answer to the hon. and learned Member is, that in that case the law of nations steps in to assist the municipal law that is deficient, and that the remedy of the suffering foreigner is secured by treaty. Take the case not only of an absolute government, but of an oriental despotism; take the case of Turkey. We have carried on commercial relations with Turkey longer perhaps than with any other existing country. Have we secured the interests and vindicated the rights of our fellow-subjects by sending into every harbour of the Levant, on every mercantile squabble, a considerable fleet? Not at all. But distrusting the municipal law, we called into action the law of nations; we entered into conventions, popularly styled capitulations, with the Porte; we provided that when suits occurred between two British subjects in the dominion of Turkey, they should be decided by the British Consul: that if the suit occurred between a native and a British subject, the British Ambassador or Consul should jointly preside at the tribunal. Why, at this moment, had we not made Greece an independent State, the provisions of these treaties would have still applied to Greece as an ancient portion of the Ottoman empire. Why have we not taken care to continue these provisions to independent Greece? Why have we not secured for British subjects in Greece what we have secured, and secured for centuries, for British subjects in Turkey? Why have we not established in Greece what we established two centuries ago in Portugal—a Judge Conservator for British subjects? These are the means by which, if the local and municipal law is clearly deficient,

the law of nations, in the authentic form of treaties, steps in to supply what is wanting, and to prevent those appeals to force, and those rude and barbarous applications which, it seems, are the fashion of this age of progress. One word as to the Greek claims: the House need not be alarmed: the names of Finlay and Pacifico shall not again escape me. Admitting the validity of these claims, which my argument will permit, I hardly think that the House will deny that, on the whole, these claims were, to a certain degree, doubtful in their character and exaggerated in their amount. If they were not, they certainly differed from any other claims that ever were urged. But, admitting their general validity, I know of twenty public claims, just as good, and much more considerable, I have on my table, at this moment, the claims of British merchants sorely aggrieved by the non-payment of money advanced by them to pay the dividends due on a loan of a South American State, and which this firm, once eminent, the late house of Reid, Irving, and Co. had never even negotiated. Now I do not say that Government should send sixteen ships of the line to enforce that claim, but I should like to know on what plea they would refuse to do it? Again, there were the claims of the English workmen banished from France, and properly alluded to by my noble Friend the Member for Colchester. Theirs was a very hard case. They were banished with arrears of wages unpaid. Had any demand been made on France on their account—of the capital of which they were thus deprived? Again, there were the Portendic claims with which, no doubt, many hon. Gentlemen were familiar. The Secretary of State himself had encouraged British merchants to enterprises in a country from which they had been ruinously expelled by a foreign Power. During the seven years that the noble Lord was in office, did he obtain any satisfaction for these victims of his policy? Well, Sir, remembering all these circumstances, I am not surprised that there are persons who are of opinion that these very inferior claims recently so energetically enforced were a pretext, and were not the real cause for the appearance of a British fleet, larger than the one which fought the battle of the Nile, in the waters of Athens. The Secretary of State has complained that the attack on his policy has been made, both abroad and

at home, a personal attack. I can assure the noble Lord he shall have no cause to make this complaint of me. I have, before this, taken the opportunity of expressing my disapprobation of a mode which has only of recent date entered into our discussion, and that is of visiting on the head of a department the consequences of a policy for which the whole Cabinet is responsible. That mode is not only one highly unconstitutional, but grossly insulting to the colleagues of the Secretary of State, and more particularly to the First Minister, who, not having any department himself, was influenced probably in not taking any, in order that he might control all departments alike. If there be any colleagues of the Secretary of State who disapprove of his policy, in my opinion they are infinitely more blameable than himself. His policy may be erroneous, but it is at least one which he believes expedient; but they are responsible for a policy which they condemn. Many Gentlemen, who have addressed us in the course of this debate, have referred to the feelings of fervent friendship which they entertain to the Secretary of State. Whether it were the inspiration of their theme—Greece, that famous land, famous for nothing so much as for the intensity of its friendships—whatever may be the cause, I cannot help feeling that these effusions are not conveniently introduced into parliamentary discussion, and that if there be any one of so effeminate a turn of mind, that on account of private friendship he cannot perform a public duty, by giving a vote which may bring a Minister into a difficulty, the best thing for a person of such nervous susceptibility, would be to accept the Chiltern Hundreds. But to come to the resolution of the Member for Sheffield. The first and natural inquiry is, what are the principles which that resolution so much lauds, and on which are founded the foreign policy of the present Government. The hon. and learned Gentleman had no doubt intended to be particularly explicit, but having deplored the ignorance of the people of England of foreign affairs, I am bound to say, that the hon. and learned Gentleman is no exception to his own observation. Dismissing the first principle, that it is the duty of every Government to protect its subjects in every clime as self-evident; the great principle of this policy, according to the resolution is, I conceive, the support of the cause of self-government and constitutional

liberty. That might not be a very prudent, but all would admit it was a very captivating principle. Liberty against despotism; the cause of constitutional government against arbitrary rule—every one felt, though he might, on reflection, doubt the beneficial results of such a policy, there was something inspiring and ennobling in its character. It would seem, however, from the observations of hon. Gentlemen opposite, that the consequences of this development of self-government in foreign parts have hitherto proved not very felicitous. The Member for Sheffield informs us, that self-government, in its most unlimited form, namely, universal suffrage, in one of the most civilised countries of Europe, has produced an assembly, which has produced a government who, according to the hon. Gentleman, are a gang of conspirators. Then it was said by the gallant Member for Middlesex, that it was altogether a great mistake to have given a constitutional government to Greece, for that country was quite unfitted for such a blessing; while the Secretary of State had been obliged to blockade or bombard the liberal Government of Portugal. But is it quite clear that the principle pursued by Her Majesty's Government in the conduct of our foreign affairs has been the principle so boldly announced, and so unsparingly lauded, by the Member for Sheffield? Is it true that their foreign policy has aimed and aspired at the development of self-government, and the encouragement of constitutional liberty, throughout the world? I propose to ascertain this. The present Government acceded to office in the middle of the year 1846. They were soon busily occupied in the Peninsula; equally active at Madrid and at Lisbon. But in favour of self-government? On behalf of constitutional liberty? Not at all. In favour of a royal marriage; on behalf of a dynastic interest. In both instances the purposes were purely dynastic. And so far from their policy having any relation to their alleged great principle, they were acting in direct violation of it—seeking to effect a royal marriage at Madrid, by putting themselves at the head of the Liberal party, and consolidating a dynasty at Lisbon at the same time, by blockading and bombarding the Liberal party. The Spanish match caused an estrangement from France, and the consequences of that estrangement furnishes the key note of the whole foreign policy of our Government. France, remembering her position in 1840, and

alarmed lest she should again find herself in a state of isolation, sought a cordial understanding with another great Power—Austria. The maintenance of a good understanding with France is the cardinal point of the foreign policy of this country. No one denies it. We all admit it. But in the event, however to be lamented, of France having to look to another Power for that cordial understanding, which England should supply, surely there is no Power with whom we should witness her cherish feelings of political sympathy with less jealousy than with Austria. The friendly relations between France and Austria, however, were not viewed with satisfaction by our Government. Our Government, from that moment, seized every occasion to check the influence of these two countries; and the year 1847 afforded them two opportunities of doing so. Switzerland offered the first, and Italy the second. Is there any one who pretends that the interference of our Government in these two countries was an interference in favour of constitutional government? Why the First Minister, who has just addressed us, has taken great pains, and this, too, not the first occasion he has taken for that purpose, to assure us that the mission of Lord Minto was scrupulously confined to a recommendation of merely administrative reforms. What, then, becomes of that patronage of constitutional freedom on the Continent, which we are told is the characteristic of the present Government? It does not appear to have been their characteristic in Italy in 1847. Then and there, we learn from the highest authority, they were only administrative reformers. Were they more liberal in Switzerland? The Secretary of State has triumphantly vindicated himself from all supposed sympathy with Red Republicans, of which we have heard so much for so long a time. And he might well do it; for I may be permitted to remind the House, that during all this year of 1847, Her Majesty's Government, in their foreign policy, were cherishing a cordial understanding with Russia, and smiling, with more than complacency, on the legitimate pretender to the Spanish throne. Well, now, I have examined the foreign policy of the Government for nearly a moiety of the period during which they have held the reins of power; and I ask the House thus far, where is the evidence that it has been a policy promoted by the alleged principle of encouraging the self-government and

constitutional spirit of Europe, or whether it has been prompted by any other consideration than the attainment of the varying object which the Government might deem desirable and expedient? Sir, there was no doubt, a very great uneasiness in parts of Europe in 1847. An appreciation of its consequences would hardly be attained without a due comprehension of its cause. Was it produced by the natural disquiet and restlessness of populations existing under Governments, whose forms and spirit they had alike outlived, or was it the result of the combinations of those secret societies, which for nearly three quarters of a century, have watched the casual discontents of Europe, and taking advantage, for example, of the continued diminution in the means of subsistence of the people, by a series of bad harvests, such as we have recently experienced, have seized and fomented the opportunity to further those social changes to which they are devoted. According to the opinion of the most eminent of modern statesmen, the latter was the cause. Scrutinised by the characteristic serenity of his intelligence, the smouldering disturbance of 1847 was not the voice of the people; and in more than one despatch upon our table, Prince Metternich warned our Government that the menaced disturbance was not, as it had been heretofore, of a political, but of a social, and, as it is termed, communistic character, and aimed at the reconstruction of society, and not at the modification of political institutions. Her Majesty's Ministers, Sir, were not of the opinion, it seems, of Prince Metternich, and treated his warnings with something like contempt; yet the distinction he drew was not unimportant. Where a revolution is the consequence of a nation being deprived of its just rights, or where they are debarred from those rights for which they have gradually become qualified without the recognition of their rulers, no doubt scenes of bloodshed, violence, and destruction may occur, long years very often, when the progress of civilisation is not only arrested, but even a reaction of barbarism is threatened; but in the end great principles triumph, and after all the sacrifices, it is found that society has been ameliorated, and though the generation has suffered, the nation has advanced. On the other hand, when the movement is the factitious offspring of occult confederations, we generally find that force eventually vindicates the principles of order; the multitude has

never been generally enlisted in behalf of measures which their conviction did not prompt or originate; and it usually occurs, as the consequence of such movements, that the grievances alleged as the cause of the insurrection are aggravated, and that society falls back, instead of advancing, from the unjustified or premature disturbance. Now, Sir, when the French revolution occurred, at the commencement of 1848, the problem was to be solved, whether it was an event caused by the popular passions of a community desiring great political changes adapted to their altered condition, or the result of the intrigues of secret societies. It was clear that on a right appreciation of the circumstances, the success or the failure of the English policy depended. The instant the crash occurred, Her Majesty's Government resumed the French alliance. They take great credit to themselves for this. I don't wish to be captious, especially at half past two o'clock in the morning; but I may be permitted to remind Her Majesty's Ministers, that they allowed four months to elapse before they recognised the Republic; and they were, therefore, scarcely authorised to remind the House of the extraordinary promptitude with which they acknowledged the new form of Government in France. The great consequences of the French revolution were the dismemberment of the dominions of three Powers, with whom England had long been upon terms of cordial understanding and ancient alliance. Austria was deprived of Lombardy; the King of the two Sicilies became the King of Naples only; and the King of Denmark lost his Scandinavian duchies. The secret societies of Germany invaded Schleswig-Holstein, as the secret societies of Italy had invaded Sicily and the provinces of Austria. Now, in every instance these dismemberments had injured a great English interest. It was a great English interest that the north of Italy should belong to Austria, and that, in the possession of a first-rate military power, Lombardy, in conjunction with Sardinia, should afford a barrier to France; it was a first-rate English interest that Sicily should belong to Naples, and not to a country which commanded the shores of the Mediterranean; it was a first-rate English interest that the Sound should be in the possession of Denmark, and that the ports of the Baltic, and the mouths of the Elbe, should belong to that Power. Well, with all these great interests at stake, Her Majesty's Govern-

ment came to a decision, that it was utterly impossible that Austria could ever regain Lombardy; that the King of Naples could again become the King of Sicily; or that the King of Denmark could retain the ports of the Baltic and the mouths of the Elbe. And thus these three great English interests were at once given up by an English Government. The Government might have been sincere, though they were quite wrong. But under any circumstances, is this a policy entitled to a vote of the House, declaring that it tended to the honour and dignity of the country? I do not understand how it can tend to the honour and dignity of a country, that its affairs should be conducted by men, who, instead of grappling with the difficulties before them, only utter a cry of despair. Let me recall to the recollection of the House, though with the brevity which the occasion demands, the manner in which Her Majesty's Ministers have dealt with the circumstances placed before them. Austria in her agony, with all her provinces dismembered, sends a Minister to England—a Minister hastily accredited, if accredited at all, by an Administration which lasted only a few weeks—to offer in her despair to relinquish Lombardy. It is not enough, replied Her Majesty's Ministers; you must not only relinquish Lombardy, you must give up Venetia. But, instead of giving up Venetia, she reconquers Lombardy. Austria is in possession of both; but is she indebted for this either to the prescient sagacity or the animating counsels of one who ought, in her peril and affliction, to have been her faithful ally? Take the instance of the King of the Two Sicilies; is it denied that, while we were maintaining intimate diplomatic relations with that Sovereign—while we had at his court an Envoy in frequent and friendly conference with him, Her Majesty's Ministers simultaneously, and in secret, were entertaining propositions which not only, without his approbation; but absolutely without his knowledge, would have deprived him of one of his crowns? No Member of the Government has denied this proceeding. Well, is it one that tends to maintain the honour and dignity of this country? Yet the resolution we are called upon to vote, asserts it does. I come to Denmark. We have been accused, on this side of the House, of not having called its attention, during the existence of the present Administration, to the state of our foreign rela-

tions. My conscience acquits me in this respect, but especially with reference to Denmark. It is more than two years ago, since, foreseeing the evils that would ensue—the inevitable blockade of the Baltic—so detrimental to our manufactures and commerce, that must occur from the illegal invasion of the Scandinavian duchies belonging to Denmark by Germany, that I felt it my duty to solicit the consideration of the House to the state of affairs in those countries. The right of England to interfere was obvious. We had guaranteed the possession of these duchies to Denmark. But our right was not only obvious, our means of vindicating it were not difficult. The guarantee was not single. We had a powerful colleague in the engagement. France was similarly bound, and faithful to its traditionary policy of always supporting the independence of Denmark, France, under any form of government, would have been prepared, and prompt to fulfil its office. General Cavaignac was then at the head of the Government of France; but in the midst of revolution and domestic struggles, France never for a moment hesitated in expressing her readiness to redeem her pledge, and uphold her established policy. How did Her Majesty's Ministers act? They did not repudiate their guarantee, as the right hon. Gentleman the Member for Ripon said the other night. That might have been justifiable; for the repudiation of a guarantee may be founded on a point of law. No; they shuffled and tried to evade the guarantee, which they did not dare to abjure. And with France, prepared to enforce the rights of Denmark, which she had engaged for more than a century to maintain, and with the other great Power of Europe, Russia, not a party to the guarantee, but ready to act as if she were equally bound by the same treaty, nothing was done to assist Denmark to a termination of her troubles, because England stood aloof; and why? Why, by standing aloof from the fulfilment of an engagement which the concurrence and sympathy of France and Russia rendered so easy to perform, why did England occasion those blockades of the Baltic of which the commercial classes of this country have uttered so many complaints? Because, forsooth, the intelligence and energies of Her Majesty's Ministers were concentrated on one great object—the creation of a German empire! Convinced that the empire of Austria could no longer be upheld, or, not wishing to up-

hold it, their hopes were centred in an empire of the north, to which every petty interest was to be subordinate. And where was that German empire now? Was the failure of that project a reason for the House passing a vote of confidence in the foreign policy of Her Majesty's Government? The German empire was a German romance; as wild and monstrous! But Her Majesty's Ministers devoted themselves to that great object. ["No!"] "No!" I will show they did—I will show what they did. With Austria, Naples, Denmark, in the desperate state I have described, Her Majesty's Ministers, instead of consoling and comforting them, instead of imparting hope or trying to inspire them with renovated energy, hit upon a plan to extricate themselves from their difficulties, to settle Europe, and to find some compensation for the weakened power of those three considerable allies, and that was to form new political combinations. They determined upon an European Congress. The scheme was colossal; no doubt they expected to rival the glories of Westphalia and Vienna—that they would mature a settlement that would regulate centuries—and that the name of the Secretary of State would descend to posterity with that of a Richelieu and a Castlereagh. The Congress was to be held at Brussels. An experienced diplomatist was sent out to represent England, versed in many missions, a Member of the Privy Council, and highly decorated; but when Sir Henry Ellis arrived at Brussels, in order to consolidate the German empire by the dismemberment of the Austrian, not a single European envoy joined him. He lingered on for some months, without the representative of a single Power meeting him, and all that resulted from the great Congress of Brussels was his Excellency's bill of expenses, which the financial reformers may find in the civil contingencies. Well, was that a proceeding which tended to maintain the honour and dignity of the country? Is the Congress of Brussels an incident which should inspire us to vote our confidence in the prudence, sagacity, and success of Her Majesty's Government? Ought the House to sanction the proposed vote on account of this great exploit? Well, then, what are we to think of the justice of the panegyric of the hon. and learned Member for Sheffield on Her Majesty's Ministers, for their advocacy of the principle of self-government, and their promotion of constitu-

tional liberty? I ask the House, have Her Majesty's Ministers really done this? I have shown you that during a moiety of their administration, during the years 1846 and 1847, they were occupied in dynastic arrangements in the Peninsula, and carrying on their general policy by the aid of a cordial understanding with Russia. And what was their policy of 1848? They pursued at that time a most incoherent line. They had to deal with circumstances to which they were not equal. They were wrong in every judgment they formed, and failed in every combination they attempted. And yet the House is asked to vote confidence in them, and to declare that their want of judgment with respect to the Austrian empire, with respect to Denmark, with respect to Sicily, together with their project of an European Congress at Brussels, are all incidents calculated to uphold the character of this country, and tending to maintain its dignity and honour. But though they have thus unequivocally and universally failed, the House is called upon by the hon. and learned Gentleman to remember and to declare that the policy of the Government, in trying circumstances, had succeeded in preserving peace among the nations of the world. Now, Sir, this is a point on which, if the hour had permitted, I should like to have entered into detail. But I feel it is impossible. I wish I might, or could. I have the despatches here. I was prepared to meet the Secretary of State fairly and completely on this point; but the hour, and the naturally exhausted state of the House, forbid it. I must, therefore, enter into no details, but I will not refrain from stating the conclusions at which I have arrived. They are very contrary to those of the hon. and learned Gentleman. Had the policy of Her Majesty's Ministers a tendency to preserve peace? Did it preserve peace? I think it quite clear that had it not been for the policy of Her Majesty's Ministers, there would have been no war in Europe at all. I form my opinion on the admissions of the Secretary of State himself. I will not refer to the despatches of Prince Metternich, or their warning voice; but I assert that if the Secretary of State, as the organ of the Government, had made proper representations, and taken proper steps, the King of Sardinia would never have made war upon Austria. The Secretary of State said, that it was quite out of their power to prevent Sardinia attacking Austria. Did the

Government try? Did the Secretary of State protest against that invasion? Did he do that which he did in the case of Cracow? He did not. When that infamous act was committed by the King of Sardinia, did Her Majesty's Ministers recall Her Majesty's representative from his court? Nothing of the kind. Let it be remembered that Sardinia was always in our power. The King possessed Genoa only by the treaties which this country signed and sanctioned at Vienna. The very title-deeds of Sardinia were in the pockets of the Secretary of State. The conduct of Her Majesty's Ministers in not preventing that invasion was the real cause of the war. The Secretary of State maintained that had peace been preserved in Italy, the insurrection of Hungary would probably have ensued, and that the resources of Austria were not materially reduced in that country by the affairs of Lombardy. Yet it appears by official documents recently published, that the Italian troubles caused 120,000 men to be draughted from Hungary, and the other kingdoms of the empire, to Italy; and these troops, picked troops by the bye, would otherwise have been employed in Hungary. I think, therefore, it is quite evident that the Sardinian invasion led to the Hungarian insurrection, and ultimately to that interference of Russia, to be ever deprecated. But if their policy occasioned war, did war assist their policy? Did it attain or advance their objects? Quite the reverse. Look at Sicily and the condition of its population. There, the very Government which they denounced has been confirmed and established by their policy. And as for that Russia, of which they had heard so many fears, Her Majesty's Ministers had the satisfaction of finding that after all these extraordinary proceedings which proved that the recent events in Europe had been occasioned, as Prince Metternich said, not by populations who wanted institutions, but by secret societies who sought plunder; order and authority had been established in the most rigid manner by the colossal power and iron volition of the Russian empire. It had, indeed, been admitted by their advocates that all the proceedings of the Government had failed, but then they claimed our confidence for their good intentions. It might be a good thing that our Government should be animated by constitutional sympathies in the management of our foreign transactions; but surely it would be mon-

strous for Parliament to vote confidence in a Government merely on account of its sentiments, and not on account of a policy which had aimed at and obtained results of great general importance. I must not at this hour touch on the affairs of France and Turkey. With respect to them I must trust to the recollection of the House to fill up the picture. I will only ask, whether the retreat from the Dardanelles, or the harangue of General la Hitte, be incidents and procedures which tend to the maintenance of our honour and our dignity? There is, however, one consequence of our foreign policy during the present Administration which must be touched on. Two years ago, the Secretary of State felt himself bound to send his passports to the Spanish Minister, who quitted London in twenty-four hours: the year after that the Austrian Ambassador disappeared; and a little while ago, the town was startled by the sudden flight of the French Ambassador; while, much about the same time, it was officially announced, that the Russian Minister had taken the only means at hand to signify, that the Government of this country no longer possessed the cordial feelings of that great Power. Now are these circumstances which tend to the dignity and honour of a country? Is there any instance on record of a Government so situated—four foreign Ministers of the highest class having abruptly quitted them—coming forward and asking the confidence of the House of Commons in their foreign policy? I remember a passage in an Italian author, which, I cannot help fancying, is very apposite to the present state of our affairs. It is in Guiccardini, speaking of Venice at the end of the 15th century. He remarks on the unprecedented prosperity of the republic at that time. There were more sequins in its treasury, than there are sovereigns now in the Bank of England; its commerce was more extensive, relatively to the existing population of the world, than even that commerce whose progress is commemorated in those flattering returns of the Board of Trade, which every month are placed upon our table; it held the Orient in fee as we now hold India, and all the rich mercantile islands of the Mediterranean were hers, as the rich mercantile islands of the Atlantic now belong to England. With an aristocracy, of which some of the leading houses traced their descent from the Consular families of Rome, the Venetian might indeed, say, *Civis Ro-*

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manus sum, with rather more justice, perhaps, than a Finlay or a Pacifico. Above all, at that period the naval power of Venice was supreme. Yet amid all this unprecedented prosperity, the historian observes, that, great as was the power, and flourishing the condition of the grand republic, there was apparent at this time a singular estrangement between the Government of Venice and all foreign countries. That estrangement, observes the historian, was to be ascribed, partly to the jealousy and envy of these Powers at the prosperity of the great commercial aristocracy; but partly to the haughty tone which Venice for sometime had been accustomed to assume towards them. What was the consequence? Until that moment, in the struggles of Europe, the power of the King of Spain and the Emperor of Germany had been balanced against each by the statecraft of Venice—in the same manner, as under her influence, the power of the Pope had checked the ambition of France; but in consequence of the diplomatic isolation of Venice, it so happened that on the same day, at the same hour, and in the same city, the representatives of all those great Powers, who had never before agreed upon any other question, met and signed the treaty of Cambray; the sole object of which was to cut the wings of this high-flying republic of Venice, to terminate the intolerable career of the great commercial aristocracy which had offended them by its wealth, and insulted them by its arrogance. I need not remind the House of what were the consequences of the League of Cambray. They were not to be measured by the loss of that fatal battle which immediately ensued. But all historians agree, that, from that day, the star of Venice paled. Is there no lesson for England in this record of the past? If France shrank from isolation in 1840, when our policy had created an estrangement between that country and England; if France, with her great resources and her daring spirit, shrank from isolation with terror, what is there in our position, that should make us feel, that in the present state of the world, and of the relations existing between nations, England alone can pursue an unsympathising path? For my part, I believe, that if the policy of the Government which we are now called on to approve be persisted in—this will occur: the great Powers of the world, I care not what may be their form of government, republican, monarchical, or imperial—as had hap-

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pened at Cambray—on the same day and perhaps at the same hour, will present to the Secretary of State an ultimatum which even the patrons and professors of peace societies, may find it difficult to digest. The House of Lords, in the exercise of a solemn duty, have expressed their opinion of a policy which they believe will lead to such terrible results. Was there anything in the manner in which that decision was accomplished, which should disqualify it for the confidence and respect of the House of Commons? I have heard, indeed, that decision described as the manœuvre of a foreign faction; but when I look to the influences which carried that decision, I do not find the influence of foreign conspirators, but of individuals who for that object had worked together, although they did not work together for any other; I find that decision carried too by the painful suffrage, and painful absence, no doubt also, of many friends and supporters in old days of the Government. I know not what may be the numerical result of the division that is now about to be taken here; but I feel persuaded that it will virtually announce to Europe and to another hemisphere, that the Parliament of England is resolved that, in future, her policy shall be conducted with a due regard to the rights of nations.

MR. ROEBUCK: Sir, after the protracted debate, I shall only notice the prophecy with which the hon. Gentleman has concluded his speech—a prophecy which was, no doubt, intended to overawe and damp our spirits. I know not what the effect of that prophecy may be; but this I am bold to say, that the prophecy is not an English one; that it is not suggested by an English spirit; and that it would never have been thought of by one who had the heart to dare the danger he anticipated. If I believed that the House of Commons could be daunted by that prophecy, and would sanction the principles by which it was declared, then I should fear that we had given the nations of the world reasons to believe that by combining they might crush us.

Question put.

The House divided:—Ayes 310; Noes 264: Majority 46.

List of the AYES.

Abdy, Sir T. N.	Anson, hon. Col.
Acland, Sir T. D.	Anson, Visct.
Adair, R. A. S.	Anstey, T. C.
Aglionby, H. A.	Armstrong, Sir A.
Alcock, T.	Ashley, Lord

Bagshaw, J.	Dundas, Adm.
Baines, rt. hon. M. T.	Dundas, rt. hon. Sir D.
Baring, rt. hon. Sir F. T.	Dunne, Col.
Barnard, E. G.	Ebrington, Visct.
Bass, M. T.	Ellice, rt. hon. E.
Berkeley, Adm.	Ellice, E.
Berkeley, hon. H. F.	Ellis, J.
Berkeley, C. L. G.	Elliot, hon. J. E.
Bernal, R.	Enfield, Visct.
Birch, Sir T. B.	Euston, Earl of
Blackall, S. W.	Evans, Sir D. L.
Blackstone, W. S.	Evans, J.
Blake, M. J.	Evans, W.
Blewitt, R. J.	Ewart, W.
Bouverie, hon. E. P.	Fagan, W.
Bowles, Adm.	Fagan, J.
Boyle, hon. Col.	Fergus, J.
Brand, T.	Ferguson, Col.
Brocklehurst, J.	Ferguson, Sir R. A.
Brockman, E. D.	FitzPatrick, rt. hon. J. W.
Brotherton, J.	Fitzwilliam, hon. G. W.
Brown, H.	Foley, J. H. H.
Brown, W.	Forster, M.
Browne, R. D.	Fortescue, C.
Bulkeley, Sir R. B. W.	Fortescue, hon. J. W.
Bunbury, E. H.	Fox, R. M.
Burke, Sir T. J.	Fox, W. J.
Butler, P. S.	Freestun, Col.
Buxton, Sir E. N.	French, F.
Campbell, hon. W. F.	Glyn, G. C.
Carter, J. B.	Grace, O. D. J.
Caulfeild, J. M.	Granger, T. C.
Cavendish, hon. C. C.	Greene, J.
Cavendish, hon. G. H.	Grenfell, C. P.
Cavendish, W. G.	Grenfell, C. W.
Cayley, E. S.	Grey, rt. hon. Sir G.
Chaplin, W. J.	Grey, R. W.
Childers, J. W.	Grosvenor, Lord R.
Cholmeley, Sir M.	Guest, Sir J.
Clay, J.	Hall, Sir B.
Clay, Sir W.	Hallyburton, Lord J. F.
Clements, hon. C. S.	Hanmer, Sir J.
Clifford, H. M.	Harcourt, G. G.
Clive, hon. R. H.	Hardcastle, J. A.
Cockburn, A. J. E.	Harris, R.
Coke, hon. E. K.	Hastie, A.
Collins, W.	Hatchell, J.
Colville, C. R.	Hawes, B.
Corbally, M. E.	Hayter, rt. hon. W. G.
Cowan, C.	Headlam, T. E.
Cowper, hon. W. F.	Heathcote, G. J.
Craig, Sir W. G.	Heneage, E.
Crowder, R. B.	Henry, A.
Cubitt, W.	Heywood, J.
Currie, R.	Heyworth, L.
Curteis, H. M.	Hobhouse, rt. hon. Sir J.
Dalrymple, Capt.	Hobhouse, T. B.
Dashwood, Sir G. H.	Hodges, T. L.
Davie, Sir H. R. F.	Hodges, T. T.
Dawson, hon. T. V.	Holland, R.
Denison, J. E.	Howard, Lord E.
Devereux, J. T.	Howard, hon. C. W. G.
D'Eyncourt, rt. hon. C. T.	Howard, hon. J. K.
Divett, E.	Howard, hon. E. G. G.
Drax, J. S. W. S. E.	Howard, P. H.
Drumlanrig, Visct.	Howard, Sir R.
Drummond, H.	Humphery, Ald.
Duff, G. S.	Hutchins, E. J.
Duff, J.	Hutt, W.
Duke, Sir J.	Jackson, W.
Duncan, Visct.	Jervis, Sir J.
Duncan, G.	Jocelyn, Visct.
Duncombe, T.	Keating, R.

Keogh, W.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lushington, C.
Mackie, J.
Mackinnon, W. A.
McCullagh, W. T.
McGregor, J.
McTaggart, Sir J.
Magan, W. H.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Moore, G. H.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. II.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Sir G. B.
Pelham, hon. D. A.
Pendarves, E. W. W.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.

Pinney, W.
Power, D.
Price, Sir R.
Pugh, D.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherford, A.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Sidney, Ald.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Tufnell, H.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Wilcox, B. M.
Williams, J.

Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.

Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the NOES.

Adderley, C. B.
Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baldock, E. II.
Baldwin, C. B.
Bankes, G.
Baring, H. B.
Baring, T.
Barrington, Visct.
Barron, Sir H. W.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Berkeley, hon. G. F.
Best, J.
Blair, S.
Blakemore, R.
Boldero, H. G.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Bright, J.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Castlereagh, Visct.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Cobbold, J. C.
Cobden, R.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Conolly, T.
Copeland, Ald.

Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Damer, hon. Col.
Davies, D. A. S.
Dick, Q.
Dickson, S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Douro, Marq. of
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Heald, J.
Heneage, G. H. W.
Hlenley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.

Hill, Lord E.	Palmer, R.
Hodgson, W. N.	Patten, J. W.
Hogg, Sir J. W.	Peel, rt. hon. Sir R.
Hood, Sir A.	Peel, Col.
Hope, H. T.	Peel, F.
Hope, A.	Pennant, hon. Col.
Hornby, J.	Pigott, Sir R.
Hotham, Lord	Plowden, W. H. C.
Hudson, G.	Plumptre, J. P.
Hughes, W. B.	Portal, M.
Hume, J.	Prime, R.
Inglis, Sir R. H.	Reid, Col.
Johnstone, Sir J.	Repton, G. W. J.
Jolliffe, Sir W. G. H.	Richards, R.
Jones, Capt.	Rufford, F.
Kerrison, Sir E.	Rushout, Capt.
Knight, F. W.	Sandars, G.
Knightley, Sir C.	Sandars, J.
Knox, Col.	Scott, hon. F.
Lacy, H. C.	Seaham, Visct.
Lascelles, hon. E.	Seymer, H. K.
Law, hon. C. E.	Sibthorp, Col.
Lagh, G. C.	Smith, J. B.
Lennox, Lord A. G.	Smythe, hon. G.
Lennox, Lord H. G.	Smollett, A.
Leslie, C. P.	Somerset, Capt.
Lewisham, Visct.	Sotheron, T. H. S.
Lindsay, hon. Col.	Spooner, R.
Lockhart, A. E.	Stafford, A.
Lockhart, W.	Stanford, J. F.
Long, W.	Stanley, E.
Lowther, hon. Col.	Stanley, hon. E. H.
Lowther, H.	Stuart, H.
Lygon, hon. Gen.	Stuart, J.
Macnaghten, Sir E.	Sullivan, M.
Meagher, T.	Taylor, T. E.
Mahon, Visct.	Thesiger, Sir F.
Mandeville, Visct.	Thompson, Ald.
Manners, Lord C. S.	Thornhill, G.
Manners, Lord G.	Tollemache, J.
Manners, Lord J.	Trevor, hon. G. R.
March, Earl of	Trollope, Sir J.
Masterman, J.	Turner, G. J.
Maunsell, T. P.	Tyrell, Sir J. T.
Maxwell, hon. J. P.	Verner, Sir W.
Meux, Sir H.	Vesey, hon. T.
Miles, P. W. S.	Villiers, Visct.
Miles, W.	Villiers, hon. F. W. C.
Molesworth, Sir W.	Vivian, J. E.
Monsell, W.	Vyse, R. H. R. H.
Moody, C. A.	Waddington, D.
Morgan, O.	Waddington, H. S.
Mullings, J. R.	Walpole, S. H.
Mundy, W.	Walsh, Sir J. B.
Mure, Col.	Walter, J.
Naas, Lord	Wegg-Prosser, F. R.
Napier, J.	Welby, G. E.
Neeld, J.	Wellesley, Lord C.
Neeld, J.	Whitmore, T. C.
Newdegate, C. N.	Williams, T. B.
Newport, Visct.	Willoughby, Sir H.
Newry and Morne, Visct.	Wodehouse, E.
Nicholl, rt. hon. J.	Worcester, Marq. of
Noel, hon. G. J.	Wortley, rt. hon. J. S.
O'Brien, Sir L.	Yorke, hon. E. T.
Osulston, Lord	Young, Sir J.
Oswald, A.	
Packe, C. W.	
Pakington, Sir J.	
Palmer, R.	

TELLERS.

Beresford, W.
Mackenzie, W. F.

HOUSE OF LORDS.

Monday, July 1, 1850.

THE GREEN PARK.

LORD BROUGHAM asked his noble Friend the Lord President of the Council whether he would have any objection to lay on their Lordships' table a paper which had been laid on the table of the House of Commons, describing certain improvements or alterations intended to be made in the Greek Park and in St. James's Park? He also alluded to the alterations now in progress in Hyde Park. A grove of elm trees in Hyde Park had already been cut down. The elms were nine in number, and four years old, and had been cut down at an early hour in the morning, when none but the woodcutters were present. So classical a personage as his noble Friend would recollect the lines of Virgil—

"Fortunatus et ille Deos qui novit agrestes."

He (Lord Brougham) was also in the habit of reading Virgil sometimes, and thought that the reading must in future be—

"Fortunatus et ille, Deos qui movit agrestes,
Panaque, Sylvanumque senem, Nymphasque
sorores."

He was a petitioner for those injured deities in Hyde Park, and hoped that they would be spared from further violation, as well as the trees in the Mall and in the Green Park. The row of trees in the Mall had existed there for two centuries, having been planted at the time of the Restoration.

The MARQUESS of LANSDOWNE said there could be no objection to lay the paper referred to by his noble and learned Friend on the table of the House.

LORD BROUGHAM hoped that the paper would state the acreage which was to be taken away from the Green Park.

PRIVILEGE OF PEERS—OFFICE OF HIGH SHERIFF.

The DUKE of RICHMOND presented a petition of John Baron Henniker, for the adoption of measures for exempting him from serving the office of high sheriff, and for preventing his name from being continued or placed on the roll of persons liable to serve that office. The noble Duke said, that he had given notice in private to his noble Friend the President of the Council that he should call his attention, and that of their Lordships, to a question affecting the privileges of the Peerage. There were

The House adjourned at Four o'clock till Monday next.

two courses open to him to take. The first was to appoint a Committee to search for precedents, the other was to appoint a Select Committee to examine into the whole matter. An Irish Peer, Lord Heniker, had recently been put on the roll of high sheriffs for the county of Suffolk. He thought that, as he enjoyed privilege of Peerage, he was exempted from serving that office; for the fourth article of the Act of Union with Ireland provided that all Irish Peers, not being Peers of Parliament, were to enjoy all privileges as fully as Peers of Great Britain, the right and privilege of sitting in Parliament, with its attendant privileges, excepted. Now, the office of high sheriff was an office of great importance; and, if the party holding it failed in his duty, he could be attached. But you could not by law attach a Peer; and therefore in the event of the appointment of a Peer to that office, the power of punishing the officer would be lost. The appointment of a Peer as high sheriff might also give rise to a collision between the two Houses of Parliament. The House of Commons had repeatedly passed a resolution declaring it to be a high breach of its privileges for any Peer to interfere in the election of its Members. Now, it was the duty of the high sheriff to preside at the proceedings for the election of Members to serve in the Commons' House of Parliament, and to return the names of the Members elected to the Crown Office. Their Lordships, then, in suffering a Peer to be appointed high sheriff, were placing him in a position where he must be in direct collision with the House of Commons. It might be said that this was not very likely to happen; for the Crown would not appoint Peers to the office. If he were appointed high sheriff of Sussex he might be obliged to go to the county town and receive the Judges, and if he refused to go he might be fined and attached by the Judges. The right rev. Prelates on the opposite benches might be appointed high sheriffs; but he thought that in their spiritual characters they had more important duties to perform than those of attending the Judges of Assize. He knew that Peers had been appointed high sheriffs, but he also knew that in one case the other House of Parliament had declared it to be a breach of privilege to have one of its Members appointed high sheriff. When he heard the course which his noble Friend the Lord President of the Council intended to take on the subject, he (the Duke of

Richmond) should be better prepared to state the course which he himself should take.

The MARQUESS of LANSDOWNE said, that there was no doubt as to the law upon this subject. The election of high sheriff was not made by the Privy Council, but by the Judges of the land, who were acquainted with its laws, and who selected three persons from every county whom they deemed capable of discharging the duties of that office. The names of three gentlemen for every county were then reported to the Court of Exchequer, and, with the concurrence of all the Judges who met in its chamber, were then recommended to the Privy Council, which, as the agent of the Crown, selected one out of each of the three names so placed before it. The responsibility of the selection rested upon the Judges of the land, and it was impossible to suppose that the fifteen Judges of England would have reported to the Court of Exchequer, or that that Court would have accepted the names of Peers, if Peers were exempted by law from serving. He knew that Peers had been appointed high sheriffs, and had served the office without offering any excuse. For instance, the Earl of Huntingdon had been pricked as sheriff, and had petitioned the Privy Council for redress; but the Privy Council held that he had no excuse or exemption whatever, and he served accordingly. As the law now stood, the fourth clause of the Act of Union with Ireland did not exempt Irish Peers from serving the office of high sheriff. If they were not compellable by law to serve, they had the power to establish their immunity from the office in a court of law. He believed that it was on the ground of expedience only that Members of both Houses of Parliament were in effect excused from serving, and he submitted to the consideration of his noble Friend, whether it was expedient that Irish Peers, not being Peers of Parliament, and therefore having no Parliamentary duties to attend to, should be exempted from performing the duties of an office for which they were well qualified by the nature of their education.

LORD BROUGHAM considered this as a matter of privilege, to be dealt with by the House alone. One consideration had been overlooked, namely, the high sheriff was a ministerial officer, whilst the Peers were a judicial body. The duties of the two might sometimes be contradictory.

The EARL of WICKLOW contended

that the privileges of Irish Peers in England were the same as those of Irish Peers in Ireland. Was there ever an instance of an Irish Peer acting as sheriff in his own county in Ireland? Why, they were not even allowed to act as grand jurors in their own districts. If the law were as the Lord President had laid it down, with the sanction of the Judges of England, it was clearly contrary to the fourth clause of the Act of Union with Ireland. He hoped that the noble Duke, as he had brought this subject forward, would not let it drop until the law on the subject was clearly ascertained.

LORD CAMPBELL declared that there was no doubt as to the law on this subject, and expressed a hope that the noble Duke would not think of pressing any division on it upon the House. If exempt, a Peer could only be exempt as a Peer of Parliament. Now, an Irish Peer, unless elected a Representative Peer, was not a Peer of Parliament. He was therefore liable to serve as high sheriff, and was within the jurisdiction of the courts, if he refused.

After a few words from Lord MONT-EAGLE,

The DUKE of RICHMOND said, that there was a case in which the eldest son of a Peer was filling the office of high sheriff at the death of his father. Of course he immediately became a Peer; but, so far was he from vacating his office, that he continued to hold it to the end of the year. He would take time to consider the course which he ought to pursue; but his impression was that Peers ought to be exempted from this office; and if an Irish Peer were exempt, much more should an English Peer be so. The best course, in his opinion, would be to bring in a short Bill giving Peers exemption from this office.

Petition read, and ordered to lie on the table.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order of the Day for going into Committee on this Bill read; House in Committee accordingly.

Clause 1 (providing that the occupiers of lands rated for the poor-rate at a net annual value of 8*l.* or upwards, and being registered under this Act, should be entitled to vote at elections for counties in Ireland).

LORD STANLEY observed, that in the 14th line of this clause there were words which would effect a considerable disfran-

chisement of existing voters; and, therefore, although these voters might perhaps be again enfranchised by a subsequent clause, he called the attention of their Lordships to the fact, and proposed to strike out the words, "in virtue of any qualification not requiring occupation." In point of fact, those words would disfranchise a class of voters which it was most desirable to maintain and encourage. Suppose, for instance, a man had a lease of thirty acres for thirty years at 1*s.* an acre. Suppose, also, that by his skill and energy he should make that land worth 12*s.* an acre. His land would then be worth 18*l.* a year, and his beneficial interest in it would be 16*s.* 10*s.* a year; and yet this man, with a beneficial interest larger than any of the qualifications for the franchise hitherto proposed, might, because the law did not require improvements to be rated until seven years after they had been effected, be debarred from voting under the words to which he had objected. He threw this out for the consideration of noble Lords, but he did not mean to press it to a division.

The EARL of CARLISLE said, the proposition of the noble Lord struck at the principle of the Bill. That principle was the establishment of an independent, extrinsic, and self-proving criterion as to the qualification of the voter, so as to prevent all the conflicting claims, the questionable evidence, and the cases of gross perjury even, which were so frequent in the registration courts. He thought it better to retain this provision of the Bill in its simplicity; and in respect of rights based on mere occupation, to take the rate book, and the rate book alone, as to the test of qualifications.

After a few words from the Earl of GLENGALL,

EARL GREY said, that the utmost that the objection of the noble Lord opposite (Lord Stanley) came to was, that an infinitesimal number of tenants would not be able to get their votes for seven years, because improvements were not liable to be rated for seven years, and he thought that an evil too insignificant to justify an alteration of the clause. If the noble Lord, however, was anxious to include this very small class of persons, he might introduce a separate clause referring specially to cases where the land had been improved, and the valuation increased, although the improvements were not yet liable to the poor-rate.

Amendment withdrawn.

Amendment withdrawn.

The EARL of ST. GERMANs, in moving the Amendment of which he had given notice, namely, the insertion of the words "Twelve pounds," instead of "Eight pounds," in the first clause, said, he should apologise for presuming to put himself forward on the present occasion, to propose an Amendment in a Bill relating to Ireland, in the presence of so many noble Lords connected with that country, and better qualified than himself to address their Lordships on the subject. He trusted, however, that the interest which he had long taken in Irish affairs would appear to them to justify his interference on this occasion. He had originally intended to propose that the county franchise in Ireland should be based on the value of the house only, and not on the value of the house and lands together. He thought then, and he thought now, that this would have a very beneficial effect. It would tend to improve the dwellings of the small farmers, and to check the subdivision and subletting of land. It would thus be good both for the landlord and the tenant. He had been told that the landlords did not wish for political influence, and that the tenants would rather be without the franchise. If this were so, it could only be an exceptional and temporary state of things. He could not believe that the landlords or the tenants of Ireland valued political power and political privileges less highly than the landlords and the tenants of England or of Scotland. However, seeing no chance of carrying this Amendment, he would not press it, and would now pass to the consideration of the qualification proposed by the Government. An 8*l.* rating was, he thought, too low. It would throw the franchise into the hands of men dependent, in part at least, for their subsistence on their employment as labourers by others. An 8*l.* tenement did not produce enough for the maintenance of a family. It would, moreover, lead to the creation of faggot votes. The occupier of a tenement rated at 24*l.*, for instance, might subdivide it into three tenements rated at 8*l.* each, and making two of his sons, or two of his labourers, nominal occupiers of two of them, would acquire three votes. If the Bill were to pass in its present shape, there would be many such cases. In determining what ought to be the constituency of a county, regard ought to be had to its wealth as well as to its popula-

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tion. Now, if the wealth and population together of the counties of Ireland be compared with the wealth and population of the counties of England, it will be found that an 8*l.* rating would give a much larger constituency to the Irish counties than they would be entitled to. For instance, the population of the county of Antrim was 270,000; its constituency with an 8*l.* rating would be 15,000 or 16,000; while the county of Northumberland, with a population of 250,000, and a very much larger amount of rateable property, has a constituency not exceeding 8,000, or half that of Antrim. Again, the county of Cork, with a population of 740,000, would have a constituency of nearly 30,000; while Yorkshire, with a population of a million and a half, and all its immense wealth, has a constituency not exceeding 56,000. He could multiply more instances, but he thought that these would suffice. He now came to his own proposition. It had been said that a 12*l.* rating qualification would unduly narrow the basis of the franchise, and thus restrict too much the numbers of its possessors. He did not think so. He believed that it would give to the Irish counties constituencies fairly proportioned to those of the English counties, their respective wealth and population together being considered. Of one thing, at least, he was sure, and that was, that a 12*l.* rating qualification would give to Ireland a solvent, an independent, and a sufficiently numerous body of electors. The occupier of a 12*l.* tenement may be fairly considered to be a farmer. He is able to maintain his family with the produce of his land, and does not depend on the employment of his labour by others. Of 12*l.* tenements there were in the Irish counties, in 1841, no fewer than 240,000. In conclusion, he would only say, that he thought the adoption of this Amendment more likely to effect a permanent and satisfactory, as well as safer, settlement of the question, than the adoption of that proposed by his noble Friend Lord Desart; and he would, therefore, call on the Government and on the House to support it.

The MARQUESS of LANSDOWNE: I feel it to be my duty, after the long and deliberate attention which this Bill has received in the House of Commons, to offer it to your Lordships' best consideration as it stands. I was by no means disinclined to listen to any proposal which seemed to have for its effect the improvement of the

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dwelling of the great mass of the people of Ireland; but upon consideration and reflection, and consultation with persons well qualified to form an opinion, I came to the deliberate conclusion that it would be inexpedient to adopt a rigid test of occupancy. To do so would be to introduce an anomalous principle; and, looking at the question in a practical point of view, the only view indeed which ought to be taken of it, the effect would be to exclude some of the most respectable classes of electors—persons who have purchased or acquired properties in adjoining counties, such as graziers—a class of men to be ranked amongst the richest and best-conditioned of the agricultural class. The same remark applies to the case of farmers who may hold land in different counties. By the Amendment of the noble Earl, these respectable and intelligent men would be excluded. An exaggerated idea prevails as to the increase which will take place in the electoral body under the Bill as it now stands. The noble Earl has gone into some statements with respect to the population of certain counties, and the probable number of electors to be created, and he has compared these with the population and the number of electors in places in England. In selecting, however, such counties as Northumberland, where the farms are large, the noble Earl has not instituted a fair contrast. A fairer way would be to compare the amount of the adult population, and the number of electors in the respective countries. Taking the 8*l.* franchise, the proportion of electors in Ireland to the adult population would be 15 per cent, while in England it was 21 per cent, being a difference of 6 per cent against Ireland. The object of the Legislature should be to see that there should be a real and effective representation of opinion, and known and admitted to be such. If your Lordships do not make up your minds to adopt that course, it would be far better not to proceed with the Bill at all; better would it be to get rid of representation altogether than to adopt an ineffectual representation; for such a representation is in many respects much more mischievous than having none at all. I believe that one of the worst forms of government is where the representation is founded upon the ignorance and the passions of the mere multitude, under the designation of universal suffrage, which essentially consists in the representation of every prejudice, every

delusion, every false opinion that ingenuity can propagate, or passion suggest. The result of such a system is not the representation of mind and intellect, but of something which is not the emanation of mind and intellect. A monarchical form of government without representation at all, is always a bad government; but the government which is worse than either of those I have mentioned is where the appearance of representation is held out, but not the reality—where the people are left to expect that their opinions should be heard and felt, and have due weight on the decisions and deliberations of the Legislature, but which, after a certain amount of experience, is found to be deceptive. The result is that persons have frequently recourse to means to make their opinions known and felt, which are not always consistent with the prevalence of peace and good order. All history has shown the danger and fallacy of adopting a system of representation which exists only in name—exists only in law, but which does not come home to the minds of the people. What I regard of more value than the mere amount of franchise is, that the right to vote should be accessible to the large body of the community, and not be confined to a particular class, so that, on the whole, the opinion of all who are undoubtedly entitled to be heard through their representatives, may be ascertained. I submit the Bill to your Lordships in the shape in which it left the other House. It is with your Lordships to say whether the measure goes too far; but I do trust that no alteration will be sanctioned which tends to deprive the Bill of its great characteristic—that of conferring upon the people of Ireland a full measure of representation. Should your Lordships think of going beyond the amount specified in the Bill as it now stands, I hope it will not be to an extent which will exclude the sanction of the other House. And now, my Lords, having maturely considered the entire subject, I ask you not to raise the franchise so high as to strip the Bill of its whole effect and popularity in that portion of the kingdom for which it is intended.

The EARL of WICKLOW would recommend his noble Friend (the Earl of St. Germans), if he were anxious to carry his proposition, to postpone its consideration for the present until the report was brought up.

LORD MONTEAGLE did not know what plan his noble Friend (the Earl of

St. Germans) would pursue, but he had anticipated that he was prepared to take the sense of the House on the question, and he saw no reason why he should depart from this course. There would be great inconvenience in separating the two propositions before the House. They had now come to the consideration of a 12*l.* franchise; and really his noble Friend (the Marquess of Lansdowne) had not stated any particular reason for preferring an 8*l.* to a 12*l.* franchise, except that the Bill had been sent up to their Lordships containing a provision for the former. He had no hesitation in saying that he regarded a 12*l.* as a great improvement on an 8*l.* franchise, but at the same time he must say that he thought the principle carried on between the two Houses of moving Amendments for the purpose of inserting more than they intended to take, with the view of taking less if offered, by no means creditable to legislation. He trusted that the noble Lord, in moving the insertion of "12*l.*," did not do so for the purpose of obtaining what was vulgarly called "another bid" from the House of Commons. He was quite ready to support his noble Friend in his proposition for a 12*l.* instead of an 8*l.* franchise, but would ask him whether he intended to hold by this sum, or whether he had proposed it with a view of ultimately arriving at a middle course of a 10*l.* or a 9*l.* franchise. He trusted that, during the progress of the Bill, the noble Lord (the Marquess of Lansdowne) would explain to their Lordships how the question of valuation was to be decided, for he perceived a total disregard of this important question in the Bill.

The DUKE of LEINSTER would feel inclined to vote for a 12*l.* franchise, but would join in recommending his noble Friend not to mix up this question with the other questions which would come under their Lordships' consideration.

The EARL of ST. GERMANS was willing to accede to the suggestion of the noble Marquess and of other noble Lords, and to postpone for the present the consideration of the question. His noble Friend (the Earl of Desart) was about to introduce an Amendment for the purpose of creating a 15*l.* franchise. If that Amendment were not carried, he should simply move an Amendment to insert 12*l.* instead of 8*l.*; but he could assure his noble Friend (Lord Monteagle) that he had no intention of accepting a lower sum.

LORD STANLEY: I think it would be desirable that the Government should state, no matter whether the franchise is to be a 12*l.*, a 10*l.*, or an 8*l.* one, what is to be the system of valuation upon which the franchise is to be based. The present system of valuation in Ireland, however applicable it may be as the basis for levying a poundage rate, is totally inapplicable as the basis of a franchise, for, according to the law as it now exists, it is quite within the power of those making the valuation to include within the franchise those whom it is desirable to include, and to exclude from it those whom it is desirable to exclude. It is not denied that the present system of valuation in Ireland is inadequate. In some places the valuation is 25 per cent above the letting value, while in others it is 25 per cent below the letting value. Well, in some places the valuation is something above, and in other places it is 25 per cent below the letting value. It is, therefore, quite clear that the franchise being based on the amount of rating will give to one man a right of voting because he resides in one electoral division, and will withhold it from another man because he resides in another electoral division. The whole machinery of this Bill turns on the single test of parochial rating; and, therefore, whatever inequality exists in this rating, is, by the machinery of the Bill, made the basis of the franchise. Although I am not prepared to offer any suggestions or to move any Amendments to meet this case, yet I should like to hear the grounds on which the Government vindicate the plan, and how they propose to render certain a system most uncertain, varying, and fluctuating in its operations.

EARL FITZWILLIAM said, that, although it might be proved that the valuation of one particular union in Ireland was greater than another—and he would go even further, that the valuation of one electoral division was greater than another—yet the same objection might be applied as regarded England, where in some places a house rented at 10*l.* was valued higher than a house at a similar rental in another part of the country. He confessed he did not therefore see any great force in the objection started by his noble Friend (Lord Monteagle), of which the noble Lord (Lord Stanley) had availed himself.

LORD STANLEY remarked, that there was a difference between the two countries, for in England the right to exercise the

franchise was decided by the question whether a man paid a rental of 10*l.* a year.

The EARL of CARLISLE thought it better to meet the matter boldly, and to confess that the present system of valuation in Ireland could not afford a satisfactory basis for the purposes of franchise. Their Lordships were, however, to say whether they would go on in the present anomalous and disgraceful state of things, or whether they would adopt the best means as yet offered for their remedy. He would remind their Lordships that the tenement valuation of Mr. Griffiths would soon come into operation in six of the largest counties of Ireland, and would immediately become the basis of the poor-law valuation. In every county it would be in the power of grand juries to make this tenement valuation a basis of poor-law valuation, if it were found to be satisfactory. If it, however, were proved unsatisfactory as a basis for the elective franchise, then he was sure there would be every inclination on the part of the Government and of Parliament to apply some general remedy. Though the basis of valuation was admittedly imperfect, yet a system as regarded the exercise of the franchise was in existence which was attended with fraud—he was afraid he might add perjury—which was followed by conflicting decisions in the courts of the assistant barristers as well as in the superior courts, and in Committees of Parliament on election petitions; and with these facts in view, he would impress on their Lordships that it was wiser to effect an immediate cure of a system so vicious than to incur the long delay that must take place before it would be possible to obtain an equitable and satisfactory basis of the elective franchise.

LORD MONTEAGLE thought that, even though a perfect system could not be at once established, the Government ought to afford some protection against the existing anomalies.

The EARL of WICKLOW admitted that great inconvenience existed; but their Lordships should compare the inconvenience anticipated with the inconvenience from which they suffered under the existing law.

LORD MONTEAGLE thought that some checks ought to be adopted to secure greater uniformity of rating than at present existed. Mr. Griffiths' valuation for the whole of Ireland might be deferred *ad Græcas kalendas*, and some remedy for this grievance was wanted at once.

The MARQUESS of LANSDOWNE said, that progress was being made with the townland valuation. No valuation made within the last three or four years could have been satisfactory, on account of the various elements of uncertainty that had been in operation during that period. That valuation would be made as quickly and as correctly as possible; and meanwhile the present system was gradually ameliorating itself.

Amendment postponed.

The EARL of DESART moved an Amendment, for the purpose of inserting "15*l.*," so as to raise the franchise from 8*l.*, as it stood in the Bill as it came from the other House, to 15*l.* He admitted the great importance of the subject under consideration, and rose to move the Amendment of which he had given notice with some anxiety, for, in common with other noble Lords with whom he agreed, he had not adopted it without hesitation, and after a mature deliberation. He had given his sanction to the second reading of this Bill with some reluctance, for he felt the difficulties which would arise when they came to discuss the question of the amount on which the franchise was to be based. Regarding with all due respect, as he did, the decision arrived at in another place, it was still for their Lordships to consider how they could safely adopt the amount sent up to them. He would ask their Lordships to consider whether it was not expedient to adopt the sum of 15*l.*, even at the risk of its rejection in another place. He could assure the noble Lord on the cross benches (Lord Monteagle) that this was the lowest amount he intended to name, and that if anything lower were offered he should feel it is duty to oppose the Bill in all its stages. He looked upon the measure as one of the most important which had come before Parliament since 1832. There was one point which had not been fully considered. The Bill, as it stood, would give an undue preponderance to the inhabitants of the towns over those of the rural districts, a most important consideration, and one which violated the first principles of representation. He agreed with the noble Lord that the franchise ought to be made accessible, and that the representation ought to express the opinions of the people; and it was for these very reasons that he opposed the 8*l.* clause; for the measure, if carried into effect, would not give representation to the property and the intelligence of the country, but would enfranchise the masses,

who, in Ireland, were always at the mercy of some agitator. He thought any system of representation, to be just, ought to be based upon intelligence, respectability, and property—that the franchise ought to be entrusted to men who had a stake in the country, who were interested in its welfare, who would be likely to preserve order, and who were desirous of maintaining its institutions. He was further of opinion that a franchise based upon a 15*l.* rating would be more likely to express the good sense and respectability of the country than an 8*l.* rating, which would give a constituency in Ireland double that of England in proportion to the population. And even by the 15*l.* rating he thought they were running a great risk. Their Lordships must recollect that this was a great and a novel experiment; that, in a country, of all others, which felt most the evils of intimidation and agitation, they were about to confer a franchise far beyond the proportion of voters in the other parts of the united kingdom; that an 8*l.* rating would make a constituency proportionably double that of England, and this upon a people, he repeated, more liable than any others under the sun to be led away by every agitator. An 8*l.* franchise would give a constituency of no less than 333,000, whilst a 15*l.* franchise would give 180,000, or 150,000 less. He could not divine what could be the reason of the Government for fixing the franchise so low as 8*l.* He did not think it was safe. In short, they might almost as well at once establish universal suffrage, of which the noble Marquess had expressed such great disapprobation. The 15*l.* rating was, after much consideration, the lowest amount to which he felt he would be justified in proposing an extension of the franchise, and he did not adopt even this comparatively high amount without much doubt and apprehension. By the 8*l.* franchise they were making gigantic strides towards universal suffrage, and there was this difference in the two propositions—the 15*l.* and the 8*l.*, that if they found the former to work well they could extend it, but if they adopted the latter they were pledged to it irrevocably. The noble Marquess said, he preferred the low rate of franchise because it would satisfy the Irish people, and would put a stop to agitation for any further extension. But, in point of fact, there was now no agitation in Ireland for such a measure; the country was quiet, and was it prudent, when Ireland was just recover-

ing from a tremendous calamity, again to sow the seeds of bitterness? Did their Lordships consider to what class of people they were extending this 8*l.* franchise?—persons paying, perhaps, only 4*l.* for their tenement, almost the very lowest of the population of Ireland. There was not a single petition on their Lordships' table either for or against the Bill; and again he asked them to pause before they sanctioned a measure which would produce nothing but local strife and political excitement. The noble Earl concluded by moving his Amendment.

The MARQUESS of ORMONDE was understood to express an opinion in favour of the Earl of St. Germans' proposition—namely, a 12*l.* qualification. The noble Marquess was also understood to say that whereas in 1841, in the county of Kilkenny, the number of electors was under 2,000, the 12*l.* rating would raise it to 4,000.

The BISHOP of DOWN said, though it was not usual for those who occupied the bench where he sat in their Lordships' House to address them frequently upon such subjects as the measure then under consideration; yet, as very strong feelings existed upon this subject in Ireland, he wished to say a few words. He was bound to inform them that a great deal of apprehension was entertained in Ireland with regard to the 8*l.* qualification; for it was in many quarters regarded, as he thought, with unreasonable fear, but yet, in some, he would admit, with a considerable portion of allowable anxiety; it was only fair, however, to the promoters of the measure to say that it would by no means impart that sort of universal suffrage which its opponents seemed to apprehend. He had taken great pains to make himself acquainted with the provision of the measure, and its effect upon Ireland, so that he might be enabled to give a conscientious vote, and the result was his determination to support the measure as it stood. He might call their Lordships' attention to some facts supplied to him by returns which he had obtained before he left Ireland. Now, within his own diocese there were five electoral divisions, in which there were as many as 52,000 rateable persons, but only 17,400 persons in those divisions would by the 8*l.* clause be enfranchised, being about one-third of the entire number, leaving 34,000 ratepayers in those divisions incapable of acquiring the franchise. The question resolved itself into this—were the per-

sons whom the proposed change would enfranchise of sufficient respectability to be intrusted with the privilege? Now, he held in his hand very satisfactory evidence to show that the 8*l.* ratepayers in the divisions to which he referred, and, generally speaking, that class in the north of Ireland, were fully worthy of the constitutional trust which the possession of the elective franchise implied. Amongst other papers, he held in his hand a letter from a land agent of high standing and great business in that part of Ireland, and it was his opinion that that order of ratepayers in the north of Ireland, at least, if not in other parts of the country, were in all respects entitled to the enjoyment of those privileges which the Bill would confer; that for intelligence, independence, and integrity, they were quite worthy of it; worthy to exercise the privilege for the protection of their own rights, and for the benefit also of the public; and he did not believe that there would be one solitary instance of a cottier tenant being enfranchised under the present Bill. He had no doubt it would be found that all the cottiers were rated under the denomination of the estates on which they were tenants, and not individually under their own proper names. He repeated that the persons rated to the sum of 8*l.* and upwards were persons of intelligence and respectability. He would assert that they were; and he would at the same time endeavour to impress upon noble Lords this truth, that, as respected the elective franchise, it was the duty of Parliament to place the people of Ireland as nearly as possible upon the same footing as the people of England. There was much anxiety felt in Ireland on the subject of the 8*l.* clause, and he did not hesitate to say that, if they refused to agree to it, they would produce much disappointment, as well as serious disadvantage, in many parts of the country.

LORD STANLEY: I cannot pretend to follow the right rev. Prelate in the details he has given respecting a particular part of Ireland; but permit me to say, well informed as he is in the circumstances of that country, his conjectures—I will not say his judgment—respecting England are anything but well founded; for when he began by saying that in the counties of England not one-third of those entitled to register did actually register, he made a statement which, if any Englishman had made with respect to Ireland, he might fairly be charged with knowing little or

nothing about the subject. I agree with the noble Marquess that it is quite right we should place Ireland, with respect to the franchise, on a footing of full equality with England; but when it is stated that, for the purpose of placing Ireland on complete equality with England, it is necessary to confer upon the Irish people an 8*l.* franchise, I am bound utterly to dissent from that proposition. In England the voter is obliged to have an actual yearly profit of at least 10*l.*, with a lease, and if he be a tenant at will, the rating is not on a tenement of 8*l.*, but on a tenement of 50*l.* I do not contend that the same amount of pecuniary qualification ought to exist in Ireland as in England, but what I insist upon is a corresponding qualification; for remember, that it is not for Ireland merely you are now legislating, but for a constituency which returns a large share of representatives to the Parliament of the united kingdom. But highly as I respect the moral character and intelligence of the north of Ireland, I am, I own, inclined to doubt the accuracy of the statement of the correspondent of the right rev. Prelate, even though he states that to his certain knowledge every 8*l.* ratepayer in the five electoral divisions is entirely respectable. What is meant by the term respectable? A man may be of very good moral character, and if all these people are so, I am very glad it is the case; but the question is not merely their morality, or freedom from crime, but are they, from their position in life, their condition, and their intelligence, such persons as would be likely to form an accurate judgment on public matters, and exercise the franchise independently upon their own judgment. But the right rev. Prelate has not treated us quite fairly; he has neither given us the names of those electoral divisions nor the name of his correspondent, nor the place or county in which those divisions are situate, nor, indeed, any other information by which we may be enabled to test the value of his statement.

The BISHOP of DOWN said, that two of the unions were in the county of Antrim, and three in the county of Down.

LORD STANLEY: Then, if the right rev. Prelate be correct in his singular calculation, either the valuations must be grossly incorrect, or the land they hold must be of an exceedingly inferior description, otherwise fifteen or twenty acres of land would be surely rated at more than 10*l.* It is quite clear that the character

of the valuation does not accurately represent the number of persons who are entitled to enjoy the franchise. But the right rev. Prelate said that in those five unions, forming a portion of two counties, they would, if they adopted the Amendment, have only 17,000 out of 50,000; and then he asked with astonishment if your Lordships believed that two-thirds of the ratepayers in these divisions were not fit to exercise the elective franchise. Well, now, my Lords, for my own part, I must confess that I think it is exceedingly likely that they are not, indeed that they are utterly unfit for the reception of such a privilege; that is to say, I do not believe they are sufficiently intelligent or free from the control of the landlord, on the one hand, or of the Presbyterian, or perhaps the Episcopalian, agitator on the other. I believe it will be found that many of these men hold ten acres of land at a rackrent, and that such men cannot exercise an independent vote, nor form a free constituency. Do not think I am desirous to cripple the franchise. What I desire is to see it extended as much as possible—the wider the better; but let it be properly conferred, let it be entrusted to men of intelligence and station. I am not prepared to go the length of saying that, because Ireland is parcelled out into a whole population of paupers, that, therefore, we are bound to disregard every consideration of those circumstances which have hitherto been regarded as essential to their enjoyment of the franchise. But even at the 15*l.* rating there would be qualifying tenements to the amount of 180,000. Divide that sum amongst the thirty-two counties of Ireland and it will give an average franchise to each county of 5,600 voters. Those who know England and Scotland will agree with me in saying that the qualifications in both countries is larger than it would be in Ireland under the proposed 15*l.* rating. The 8*l.* rating would give a constituency of 330,000, or an average constituency of between 10,000 and 12,000 to each county, two-thirds of whom would hold tenements below 20*l.* a year. And when you talk of rating below 20*l.* you must recollect it was not a beneficial interest of 20*l.* or of the fixed sum, but perhaps a rackrent valuation. In England the same class are persons who would not be rated for the relief of the poor at a less amount than 25*l.* My Lords, nearly the whole constituency of Ireland will be rated at an amount below the minimum rating in England. In this

way, my Lords, the whole political influence of Ireland would be thrown entirely into one scale, whilst the insignificant weight of property would not affect the other. Your Bill gives an overwhelming preponderance to numbers against property. According to the proposed measure, the great majority of the Irish constituency will be at from 8*l.*, 12*l.*, 15*l.*, probably occupying eight, twelve, and fourteen acres of land, and in nine cases out of ten the amount of rent will be as great as the amount of the rating. Such is the footing, my Lords, upon which we are asked to place the whole constituency of Ireland, and these are the persons in whose hands you are going to repose the whole political power of that country. These are the persons who, by numerical might, and by acting together—as they will act—under the control of agitators, are to make the intelligence, the property, and the independence of the country succumb to them; these are the persons who are to have a paramount influence in electoral matters, and who are to return one-fifth of the members to the Imperial Parliament of the united kingdom. I entreat your Lordships to consider these matters. It behoves this House well to weigh the effect of a measure such as this. It is easy to extend, but it is difficult to restrict—it is easy to concede, but difficult to retract—*vestigia nulla retrorsum*. If you find that the most dangerous and most mischievous influences are likely to preponderate amongst that class on which you propose to confer the franchise—that there is no retreat from this position if you once establish it—and, what is more, let me remind your Lordships that you are asked to confer an enormous amount of democratic power, which will be wielded by an Irish constituency—a constituency which is so largely to influence the destinies of the empire at large that it will form an effective lever to introduce similar changes in England, that it will give a rapid and accelerated impulse to the democratic element, that the course once taken is irrevocable, and that under such circumstances the maintenance of the existing constitution will become impossible—I say the passing of this measure will be but the beginning of fresh demands, and that it will occasion renewed agitation and increased excitement, that it will cause dissensions between landlord and tenant. I am willing to extend the franchise to all who are capable of exercising it for the

benefit of their country; but I am not prepared, and I am sure your Lordships are not prepared, to place the franchise in the hands of mere cottier occupiers—men holding small portions of land for which they pay a rackrent—who will be liable to be dismissed by their landlord in a single moment, and who will be liable to be influenced by the most dangerous of demagogues both lay and clerical. He would give his adhesion to a 15*l.* franchise, although he thought it dangerous to the general constituencies of the empire, and he did so in deference to the opinions of their Lordships, and from a desire to extend the franchise, which was necessary. A 15*l.* franchise would give an average constituency in the counties of 5,600: lower than that he was not prepared to go; for if they went lower, they would arrive at a body of constituents unfit for the exercise of any political powers.

The EARL of SHREWSBURY: My Lords, I have but one observation to make; but as this clause, as it now stands, and which has been so ably and eloquently advocated by the noble President of the Council, seems to be opposed lest it should injure the Conservative and the Protectionist cause in Ireland, I desire to say that, after the best consideration I can give it, I cannot imagine how that can be. My Lords, I, too, am a Protectionist, and for that very reason, and because I believe protection to be identified with the interests of all classes in Ireland, save that of the democrat and the demagogue, for these thrive upon the miseries of others, therefore am I convinced that if any political privileges be conceded, they must needs be used in that direction. Surely, my Lords, if the small farmer and the small shopkeeper were represented in Parliament, they would sooner seek redress in legislative protection, than in that communism now so openly avowed, and so alarmingly agitated; for, to say there is now no agitation in Ireland, is, I believe, very far indeed from the reality; in truth, there seems to me an agitation going on of the most dangerous character—an agitation which is rapidly ranging the occupier and the tiller of the soil in hostile, nay, in mortal, array against the proprietor. That this communism comes from the want of protection, I have no doubt: the small farmer with low prices, that is, with such prices as prevail now, has no chance of paying his rates and his rent, and of making a livelihood at the same time—he

must, therefore, take all for himself. The condition of the small shopkeeper is equally miserable. One of that class related, not long since, at a great tenant-right meeting at Cork, that, when prices were fair, he never turned less than 3,500*l.* a year, whereas now he don't turn the 500*l.* Surely, my Lords, if you give that man the elective franchise, he will employ it in favour of protection, and withdraw himself equally with the small farmer from those pernicious influences to which both seem now to have abandoned themselves in their despair.

LORD WHARNCLIFFE opposed the Amendment. His noble Friend (Lord Stanley) had compared the average number of electors in counties in England and Ireland; but he (Lord Wharncliffe) contended that before any importance could be attached to that calculation they must look at the population in Great Britain and Ireland. The average population of each of the forty counties in England was 280,400; in Scotland the average in each county was 50,000; whilst in Ireland the average was 219,600 in each county. In the English counties there was at present one elector in every 24 inhabitants; in Wales, one in 23; in Scotland, one in 45; but in Ireland, the proposal now made of an 8*l.* rating would give one elector to every 22 inhabitants of counties. By a 10*l.* qualification in Ireland, they would have one elector in 27 inhabitants of counties; by 12*l.* it would be one in 39; and by 15*l.* it would be one in 41. So that in England they would have one elector in 24 inhabitants of counties; in Wales, one in 23; and in Ireland, only one in 41. He (Lord Wharncliffe) thought that Parliament would be called on, if not compelled, very soon to make a change in the franchise in Ireland, which would be better made now than in times of excitement.

The EARL of MOUNTCASHELL thought it would have been well if their Lordships had procured a return of the persons qualified, instead of the persons registered, as it was well known that in the recent political agitation a great many individuals who possessed the qualification had avoided registering, in order to save themselves from trouble and annoyance. Such a return would be much better fitted to throw light on the state of the representation, and to form the basis of a Bill, than a return of the persons registered. There was a greater proportion of persons to the Members elected in the boroughs in

Ireland than in Scotland, and if this measure was carried at the present moment, when property was so much depreciated, it would almost amount to universal suffrage, if prosperity returned to Ireland and land resumed its value. The new constituency would be led by agitators, and a great proportion of the Irish Members would be persons solely guided by the influence of party leaders and by mere demagogues, and would give the House more trouble than their Lordships anticipated. He wished to avoid anarchy, to preserve peace, and to protect property, and therefore would vote for the Amendment, thinking it much safer to have a high qualification than one so low as that proposed by Government.

LORD DUFFERIN apologised to their Lordships for venturing to say a few words on a subject in which he was deeply interested. Connected as he was with Ireland, and acquainted with the condition of the people from residence among them, he might be able to contribute some information on the question of the franchise. A property qualification, after all, he conceived, was nothing more than an outward and visible sign, the most convenient perhaps, that could be assigned for getting another, a moral qualification; and it seemed to him the great thing was so to adjust the first as that the constituency might include all who possessed the second. But, as far as his acquaintance with Ireland enabled him to judge, these important qualifications did anything but coincide. It had been computed that in Ireland, out of 8,000,000 of people there were 82,000 electors. That gave but two-fifths of a respectable man to every 100 persons in Ireland. Even those who had the worst opinion of his countrymen could not think so poorly of them as to believe that was a correct proportion, and, therefore, he hoped their Lordships would all support a Bill which would extend the franchise to a just and legitimate number of the people. Different opinions had been expressed as to what that proportion should be; but he contended that the class of men to whom the Bill would extend the franchise were not incapacitated for its enjoyment, and were equal in respectability and intelligence to their British fellow-subjects. That was particularly true of the inhabitants of the north of Ireland. For sagacity, self-respect, independence of spirit, there did not exist in the empire a body superior to the people of the north; and the increased franchise would extend

the privilege of the representation to a class neither more nor less qualified for its exercise than those who now possessed it, while such a limitation as was proposed would only have the effect of cutting off from the body of the constituency those who were in every respect, but the amount of qualification, fully deserving of the franchise.

The MARQUESS of LONDONDERRY thought it very odd and very extraordinary that the noble Lord (Lord Dufferin), who had estates closely adjoining his own, should take an opposite view of the question from himself. As an example of what the new Bill would do, he might mention, that in his own town of Newtonards he had built two streets for the accommodation of persons connected with a manufactory started there some time ago. The manufactory had failed, however, and the streets were now inhabited by mere paupers, who would, however, be rated under the 8*l*. qualification, and enjoy the franchise. That class of voters might suit the views of the noble Lord, but did not come up to his notions of a constituency. Although the great body of his (the Marquess of Londonderry's) people were very respectable, the Bill would give the franchise to many quite incapable of judging on any political question. An 8*l*. franchise would open the doors to the domination of the Roman Catholic priesthood in the south, and of the Presbyterian clergy in the north of Ireland, and he hoped their Lordships would consider well before they sanctioned it. The higher they made the franchise the more respectable they would make the constituency, and the more capable of judging the merits of a political question, and the more they would deprive the priest and the minister of the exercise of an improper power.

The BISHOP of DOWN observed, that as the noble Marquess had thought fit to give such an account of his tenantry, and had stated something connected with their condition which he (the Bishop of Down) would otherwise have felt some delicacy in alluding to, perhaps he might be pardoned for stating the following fact as to the state of the union of Newtonards:—It appeared there were 12,000 tenements in that union, of which no less than 9,000 were rated under 8*l*. The noble Marquess, therefore, had not much to fear from the extension of the franchise in that quarter.

The EARL of CARLISLE wished their Lordships had taken the advice of his

noble Friend (the Marquess of Lansdowne), and had adhered to the principles involved in the Bill, without entering upon questions rather foreign to the subject before them. Some deference was certainly due to the opinion expressed in the other House as to the nature of the qualification for their own constituents, and he did not wish that their Lordships should expose themselves as the depreciators and invaders of a franchise proposed by the Government, adopted by the majority of the other House, and, more important still, by the large majority of Irish Members. It was not correct to affirm that an universal notion prevailed in the other House that 8*l.* was the lowest point to which the suffrage could be reduced, for propositions had been made to reduce it to 6*l.*, and even to 4*l.* He hoped they would not raise the amount beyond that proposed by his noble Friend (the Earl of St. Germans), who, in addition to his other claims on their attention, possessed an intimate acquaintance with the affairs and condition of Ireland. He (the Earl of Carlisle) could not forget that he once had had the honour of representing in the other House a constituency of 55,000 of his fellow-countrymen; and must it not be a mortifying thing for the people of Ireland to reflect that where one county in England could boast of such a number of electors, the whole constituency of the Irish counties did not amount to 30,000? The noble Earl who proposed a 15*l.* rating had stated that an 8*l.* rating would give a larger constituency in Ireland than was obtained in England; but that would be found to be a miscalculation. The registered electors in the counties of England amounted in number to 29 per cent of the adult male population. In Ireland, at a rating of 8*l.* and upwards, the number of tenements would be 330,000; but there must be a number of double entries, minors, widows; and it was always reckoned fair to deduct one-fifth on this account, a deduction which would reduce the number of tenements to 264,000. But that number, instead of being, as in England, 29 per cent of the adult male population, would be only 15 per cent. On a rating of 12*l.* and upwards, as proposed by the noble Earl (the Earl of St. Germans), the electors would form, not 29 per cent, as in England, but only 10 per cent. On a rating of 15*l.* and upwards, as now proposed, the number of electors would be 180,000, being only 8 per cent of the adult male population. That the persons

to whom it was proposed to intrust the franchise would not be entirely of that degraded and pauperised class represented on the other side of the House, their Lordships might gather from the statements of the right rev. Prelate, and the noble Lord (Lord Dufferin). But with reference to this whole question, regarding it as he did as affecting the reception and fate of the Bill, he (the Earl of Carlisle) would call upon their Lordships to act in the spirit of prudent and enlightened foresight which they had so often displayed, and which so well befitted them. He trusted they would not be the less inclined to do so, even if it were true that this Bill had, as was alleged, excited no enthusiasm in Ireland, and there were no patent or very noisy demonstrations of approbation; there were no Tara or Clontarf meetings called. He would put it to their Lordships' calm patriotism and enlightened good sense, whether that was not a fit opportunity for showing that they were not actuated by any permanent feeling of jealousy and distrust towards the Irish people? and whether now, when there was a comparative lull of political excitement and party agitation, an absence to so great an extent of those irritating causes which had stirred one part of the population against the other, they would not show that they desired to act in the spirit of liberality towards that people, and not in a spirit of eternal censure in respect to the past. The effect of such a course might for a time be unseen and silent; but when a darker hour came, and passions were kindled afresh, it would be found that a spirit of conciliation had leavened the mass, and England, not acting in the spirit of a stepmother, would receive the affection and the fidelity of truehearted children. He trusted their Lordships would put the franchise on a respectable footing, and give Ireland a constituency of which she need not be ashamed in the comparison with the sister countries, adopting a measure which he believed would work soberly, soundly, and well.

LORD BROUGHAM was a friend to an extended franchise, but could not give his assent to the proposition to base it upon an 8*l.* rating. He deeply lamented the low state of the Irish constituency in point of number; but the question was whether this measure was such as might not produce the greatest evils in our Parliamentary constitution. For this should be the governing principle, the very canon of all proceedings taken to amend our represen-

tative system—not merely that the people's rights should be duly maintained, but that the constitution of Parliament, that the House of Commons, that the representative body, should be considered in its attributes, and that no changes should take place without carefully weighing its probable effects upon the constitution of that Commons' House of Parliament. This was the double view with which the great question of reform in Parliament was undertaken nearly twenty years ago; and, if with this view the 8*l.* qualification were considered, it was but too manifest that we should greatly, signally, grievously deteriorate the constitution, the composition of the House of Commons. The House was not legislating for England, nor for the sober-minded people of Scotland, nor, let the right rev. Prelate remember, merely for the northern parts of Ireland; not for some fairy land, some enchanted and enchanting region, where all the people, however low in circumstances or mean in rank, had virtue, independence, knowledge—in short, whatever constituted respectability in an elector; the House was to look to the south of Ireland as well as the north, and no right rev. Prelate had as yet vouched for the knowledge and the high respectability of the paupers in the southern part of the sister country. The House had been told of the proportion between the number of voters and the number of the population; but they must recollect of what that population was composed. It had been said, that under the 15*l.* proposition, while there would be one voter in twenty-four in England, there would be but one in forty-one in Ireland. In Scotland, by the way, the proportion was one in forty-four. But there was another proportion to be remembered—the proportion of paupers in Ireland, and the number receiving parish relief. By the last return the number was 2,300,000, men that had sworn to a 10*l.* qualification, "respectable men," full of "virtue," that tumbled down in one short year into paupers. So here was one in three of the whole population pauper; in England it was one in twenty or twenty-two; and, if only one-twentieth of the population was pauper in the one country, and one-third in the other, what signified your statistics? Was it not most unreasonable to talk of assimilating the franchise of England and Ireland by giving to Ireland the franchise possessed by England? Could they, when they considered the widely different circumstances and wealth

of each country, say that Ireland, because it had half the population of England, was entitled to a constituency half as large as that of England? The figures which his noble Friend had so ingeniously used on the present occasion, reminded him of a remark that was made during a trial at which he was present, at Guildhall, namely, that if one were allowed to use figures in argument, one, with a little pen, ink, and paper, could in about ten minutes pay off the national debt. With regard to that fairy land of Newtownards, on which his noble Friend near him appeared to possess 12,000 tenements, he must certainly say that any one possessing that number of tenements in this country would be shown as a sight, and would deserve to be sent to the "Exhibition of the Industry of all Nations." But the statements of the right rev. Prelate showed how cautious they should be not to put the franchise into the hands of such men as occupied the ruined property in Newtownards. No doubt the smallness of the number of electors in Ireland was to be deplored; but it was not owing merely to the qualification being high, but to the ambition of becoming a voter being low, to the dislike of being subject to solicitations backed by power, spiritual or otherwise. Great was the sway of the Presbyterian clergyman in the north; but the influence of the priest was proverbially greater among Catholics than among Protestants; there was no class of men more completely under the dominion of another class than the Catholic voters were under the dominion of the Catholic priest. What would this constituency be? Why, persons rated at 8*l.* or 10*l.* had been known to come and beg for work as day labourers to save them from starvation. These were the persons who would form the new constituency under this Bill. They would in fact be just as much under the control of their priest, or minister—if in the north of Ireland—as if they were tied to him by a cord. Then as to registration; the right rev. Prelate said that not one-third of the qualified persons were registered in England: why, there was hardly such a thing to be found in this country as a person refusing to obtain the privilege of voting—they all registered. In Ireland they did not. A noble Earl (the Earl of St. Germans) proposed to take a 12*l.* rating, and the House was told that the noble Earl had the advantage of having been Secretary for Ireland. Yes; but he (Lord Brougham)

had an indistinct recollection—it floated before his mind's eye—that there had been an Irish Secretary who brought in a Bill fixing, not on 12*l.*, nor 15*l.*, but twice 15*l.* That Irish Secretary was identical with this Irish Secretary. He (Lord Brougham) was told to listen to “the voice of the charmer,” but in such a dilemma it was impossible, “charm he never so wisely.” The only thing he could do was to “split the difference,” or to at least take a sort of medium, by agreeing to the proposal of 15*l.* Even then there would be more voters by 30 per cent than under the 40*s.* qualification, which was abolished because it gave a constituency too numerous. He must say he hoped the Reform Act would not be altered without greater reason than was shown in this instance. Parties were at present in a very singular state, and it was impossible to say what combinations might not occur. Perhaps the Government might not remain long in office. They heard in the first lesson on the previous day of Saul repenting when he was on the point of being deprived of the throne, as many kings were ready to do; and, like the Royal nature, the Ministerial nature was apt to be very penitent when on the point of being turned out. Saul said, “I have sinned because I feared the people and obeyed their voice;” and the fear of the indignation of the people was a most salutary dread, but to take their counsel was not always wise. That a great change might beneficially take place in the Reform Act in one respect, he (Lord Brougham) had always thought. The franchise should be given to that most respectable because most independent, ingenious, hardworking class of our fellow-subjects—the great body of our intelligent, hard-headed artisans. They were much more independent than nine-tenths of those who had the franchise. They did not want the ballot to protect them—they despised the idea of the ballot; they would come manfully forward and vote in the face of day. They were far more independent than the 10*l.* householders; very different from the men who never really did more than follow a leader like sheep; from the men who, in Ireland, had been sent to the poll at the bidding of the priests. They all knew the result of such a state of things in Ireland, and what “a hideous length of tail was rolled along” behind the late Mr. O’Connell in the other

House. He had the greatest respect for the priests, whose amiable qualities he loved and admired; but he had no wish to see the present respectable body of Irish Members of the other House thrust out of their seats and their places supplied by the far less respectable set who occupied them some time ago, which would be the result if Parliament adopted too low a qualification for the electors.

The EARL of ST. GERMANs wished to explain that the 30*l.* rating clause he had previously proposed was analogous to the Chandos Clause in the English Reform Bill, and was a qualification superadded to the then existing qualifications. It must be remembered that the circumstances of Ireland were now very different from what they were at that period, in consequence of the greatly increased burden of the poor-rate and county cess. The noble and learned Lord had said something about a “tail.” Now, the priests in Ireland undoubtedly exercised very great influence, because they were regarded by the people as their leaders, and as representing their wishes and opinions. He considered, however, that the return of the large body of Irish Members who supported the late Mr. O’Connell was mainly attributable to the fact that the great body of the Irish people were then bent on obtaining repeal; and he believed that if the Roman Catholic priests had opposed that movement, their opposition would have been of no avail. He considered that the Amendment of which he had given notice would effect the object many noble Lords had in view; but he thought the adoption of a 15*l.* franchise would be fatal to the Bill, because, as that proposal had been considered and rejected by the other House, it was scarcely likely that they would now consent to it. He conceived that it would be a reasonable compromise to adopt a 12*l.* rating, but he believed that by rejecting the Bill they would produce great agitation in Ireland; they would afford a weapon to agitators in that country, and the time would come when terms would be proposed to Parliament far less favourable than those they could now accept.

EARL FITZWILLIAM thought it was somewhat singular that, with regard to a measure of this description, his noble and learned Friend should have recommended their Lordships not to listen to the voice of the people. [Lord BROUGHAM: I never

said so.] The noble and learned Lord certainly said something very like it; but the time had been when his noble and learned Friend addressed to their Lordships a prayer—not with regard to a measure of reform for Ireland, but a Reform Bill for England—that they would pay more attention to the voice of the people than he now seemed to think desirable. He (Earl Fitzwilliam) trusted their Lordships would not introduce into this Bill such Amendments as would be hostile to the feeling of the other House, because he thought the other House of Parliament would have greater reason to complain of their Lordships adopting a higher qualification than their Lordships had to complain that the House of Commons had decided upon a franchise which they considered too low. He thought it very doubtful whether it was wise or prudent of their Lordships to interfere at all in measures relating to the representation of the people, for that was a matter with which constitutionally they had little to do. It was a subject upon which he maintained that House ought to interfere with great delicacy and discretion; and he therefore earnestly recommended their Lordships not to adopt Amendments which might be distasteful to the other House. With regard to the Amendment of his noble Friend on the cross-benches (the Earl of St. Germans), he would prefer seeing the Bill as it came up from the House of Commons adopted by their Lordships; but he would much rather consent to the Amendment of that noble Earl than run any risk of the Bill being lost. The question Parliament had to determine was whether the franchise should exist in Ireland or not. They knew perfectly well that, whatever might be the causes, the number of the constituency was so small as to render the representation of that country, so far as the popular feeling was concerned, a perfect mockery. His (Earl Fitzwilliam's) desire was to see the franchise considerably extended. He remembered that the noble and learned Lord (Lord Brougham) had expressed some doubt as to the success of universal suffrage in France; but although he (Earl Fitzwilliam) did not desire the establishment of universal suffrage in this country, he did not think any danger had resulted from its adoption on the other side of the Channel. He would give his support to the Bill, because he considered that it would confer on the people of Ireland a franchise which they would receive with

gratitude, and which he believed they would exercise with prudence. It had been said that an almost universal desire existed among the people of England to possess the franchise; and he believed the same feeling existed in Ireland in a more intense degree. A noble Marquess who had spoken during the debate had said that the effect of this Bill would be to take power out of the hands of those in Ireland who ought to possess it. He hoped there were not many persons who entertained the same opinion. It was evident that the noble Marquess regretted the loss of that power which was formerly enjoyed by what he might without offence call the oligarchy of Ireland, and looked back to the time when the representation of the Irish counties was under the control of a very few individuals. It was because he (Earl Fitzwilliam) thought it was not desirable that such powers should be exercised or exist, that he gave his support to the Bill, which would place the franchise on a basis consistent with the ancient constitution of the country by making it dependent on the payment of local taxes.

LORD BROUGHAM, in explanation, said, the noble Earl had misrepresented him in saying that he had recommended their Lordships not to listen to the voice of the people. That was the very last advice he would think of giving; and, on the contrary, he had always advised the House to listen most respectfully and attentively to the representations of the people. He (Lord Brougham) had also said on a former occasion, that he admitted universal suffrage had worked infinitely better in France than he had expected; but it would have been pregnant with the greatest ills if the priests in France had exercised the same influence as the priests in Ireland had done.

The MARQUESS OF LANSDOWNE wished to state the grounds upon which he would vote for the omission of the words implying an 8*l.* qualification. He had, at an earlier period of the evening, an opportunity of inviting the approbation of their Lordships to the franchise qualification as fixed by the House of Commons in the Bill before them. He could not, however, disguise from himself, after having listened to the speeches which had been made, that, in the opinion of a considerable majority of their Lordships, the franchise of 8*l.* was too low. In execution, therefore, of that which he felt to be his duty—the approximating of the feelings of this House

admitted by the right hon. Gentleman the Chancellor of the Exchequer that Westminster-bridge was a public bridge, and that the nation was responsible for building the new bridge, he thought the subject of sufficient importance to be referred to a Select Committee; he should therefore persist in his Amendment.

The House divided:—Ayes 138; Noes 15: Majority 123.

Main Question, as amended, put and agreed to.

Bill committed to a Select Committee.

THE EXPOSITION OF 1851 IN HYDE PARK.

COLONEL SIBTHORP begged to put a question to the hon. and learned Attorney General: whether he could inform the House and the country by whose authority and directions the nine trees out of the ten previously marked to be cut down in Hyde Park had been cut down, and whether this act had been constitutionally exercised in the grounds which have been for so many years maintained out of the public purse, and by successive votes of the House of Commons for that purpose; also, whether this power is limited, or to what extent it may be carried, and for what special purposes, and if for what is termed a commission to afford accommodation for foreign markets, and the importation or warehousing of foreign goods?

The ATTORNEY GENERAL said, that he would endeavour to answer the questions of the hon. and gallant Member satisfactorily. He could not answer the questions in the negative or the affirmative, without making a few observations. The House was, no doubt, aware that Hyde Park and Regent's Park belonged to the Crown in fee, and that they were transferred to the care of the Commissioners of the Woods and Forests, in consideration of the civil list. He would proceed on that statement to answer the question. He believed that the trees which had been cut down were cut down by the authority and the direction of the Commissioners of the Woods and Forests. The House would see at once, then, that so long as the Commissioners of the Woods and Forests had that authority, and kept within its limits, they acted constitutionally. They would also recollect that their power was limited by the Act 10 Geo. IV., which prevented them from granting leases of the parks for buildings or other purposes. They had, however, the right, during the life of the Crown, to cut down ripe or mature tim-

ber, without the sanction of the Crown; and they possessed also the right to fell timber which was not mature or ripe, for the benefit of the Crown, if they had the sanction of the Crown for so doing. He believed that the Commissioners had, in this case, acted with the sanction of the Crown, and had, therefore, a right to cut the trees down. With respect to the power of erecting buildings, they had not the power to give a right to erect a permanent building. They had, however, the power to make temporary erections, if such were not detrimental to the interests of the public, for whom they acted as *cestuis que trust*. The reception houses of the Humane Society, for instance, were erected for the benefit of the public, and were taken no notice of. So long as the trustees of the public were not acting improperly, and making a breach of their trust, they were acting constitutionally.

Mr. J. STUART wished to know from his hon. and learned Friend the Attorney General, how the public were to interfere, if they thought the Commissioners were not doing their duty.

The ATTORNEY GENERAL said that it was not for him to suggest the way in which the interference should be made.

MR. T. S. DUNCOMBE wished to ask the noble Lord the First Lord of the Treasury, when it is intended that the National Exhibition, 1851, should close; and whether, in consequence of the increasing dissatisfaction on the part of the public, that the proposed exhibition should take place in High Park, it would not be advisable that the selection of Hyde Park, as the intended site, should be reconsidered by the commission; also, whether, in the event of the amount raised or likely to be raised by voluntary subscriptions proving inadequate to defray the expenses of the exhibition, it is in the contemplation of Her Majesty's Ministers to ask Parliament, either this year or next, for any grant of public money towards such expenses? As to the first portion of his inquiry, he believed that the matter had been reconsidered, and he had no doubt that the noble Lord would give to the House the result of the deliberation of the Commissioners. With regard to the second part, it had been partly answered the other day by the right. hon. Gentleman at the head of the Board of Trade, who said that he had no apprehension that any of the public money would be called for. The right. hon. Gentleman relied on the voluntary subscrip-

tions and the admission money taken at the door being sufficient to defray the expenses of the exhibition ; but he wished to know, in case of that being found to be insufficient, who was to pay the expense ? Did the Government not contemplate applying to the public for additional money in such a case ? He was of opinion that the exhibition should be free to the public for three days in the week, otherwise it would not deserve the name of a national exhibition. At present the subscriptions amounted only to 60,000*l.*, and the Commissioners were going begging from door to door for more. He thought that such a course was derogatory to the character of the nation.

LORD J. RUSSELL said, in answer to the first question of the hon. Gentleman, when it was intended that the exhibition should close, he had to state it was intended that the latest period at which the exhibition should close, should be the 1st of November, 1851. It was provided that within seven months after the close of the exhibition the contractors should remove all materials from the ground, and should replace the ground in its former state. In answer to the second question of the hon. Gentleman, " whether, in consequence of the increasing dissatisfaction on the part of the public that the proposed exhibition should take place in Hyde Park, it would not be advisable that the selection of Hyde Park as the intended site should be reconsidered by the Commission,"—he had to state that there had been two meetings of the Commissioners, both very full, and which sat for a considerable time, both on Saturday and that day ; that the Commissioners had gone over all the reasons, both those which originally determined the choice of Hyde Park as the site, and those which now made it advisable to adhere to that site; and that it was thought best those reasons should be drawn up in the form of a report by the Commissioners to the Lords of the Treasury ; and he now moved for a copy of that report. It would be printed and in the hands of hon. Members to-morrow, and then he trusted they would really weigh the reasons stated in it. As to the last question of the hon. Gentleman, " Whether, in the event of the amount raised, or likely to be raised, by voluntary subscriptions proving inadequate to defray the expenses of the exhibition, it was in the contemplation of Her Majesty's Ministers to ask Parliament, either this year or next, for

any grant of public money towards such expenses ? " he had to state, that it had never been in contemplation to ask for any grant for the purpose of the exhibition. The Government had always supposed that the subscriptions on the part of the public, and the money received at the doors, would be sufficient to pay the expenses of the exhibition. His persuasion was, that if the exhibition were to take place, as proposed, in Hyde Park, the subscriptions made by individuals and by the public, and the money received at the doors, would be sufficient to defray the expenses of the exhibition. Of course he could not answer that such would be the case, either if the exhibition did not take place in Hyde-park, or if, as his hon. Friend supposed, money was not to be received at the doors. Of course those things would change all the conditions as regarded the exhibition. But if it were carried out in the manner in which it was proposed, he considered that it would not be necessary to come to Parliament for a grant.

LORD J. MANNERS said, the hon. and learned Attorney General had stated that immature trees could only be legally cut down under the sign-manual, and that he believed such authority had been or would be forthwith given for those trees that had been cut down. Could the hon. and learned Gentleman tell the House whether the trees were not cut down previously to the issuing of such sign-manual; and, if so, whether they were legally cut down.

The ATTORNEY GENERAL said, he knew nothing of the facts ; he merely stated, in answer to the hon. and gallant Member for Lincoln, what was the ordinary course of practice in such cases. He apprehended the sign-manual or sanction of the Crown was merely for the purpose of showing hereafter that there had been no breach of trust by the Commissioners against the reversioners of the Crown. In strictness, on an intimation of the assent of the Crown, it would be perfectly legal if the trees were cut down before the sign-manual was issued.

SIR H. WILLOUGHBY wished to ask the noble Lord whether there existed in the Treasury, or in any other department of the State, a power to erect, or to consent to the erection, of any buildings in Hyde Park, without the consent of Parliament ?

LORD J. RUSSELL did not think a permanent building could be erected with-

out the consent of Parliament, but the buildings proposed to be erected were of a temporary nature, and would be taken away.

SIR B. HALL understood the question before the House to be, that there should be laid before them a copy of the report of the Commissioners as to the preferable character of Hyde Park as the site for the exhibition; but that was not the question before the public. He thought the question before the public was one worthy of the consideration of that House; and he was prepared to go into the consideration of the whole question then, unless there was an understanding that the matter should be brought before the House at an early day. If the noble Lord would be good enough to say that he would give an early day for the purpose, he (Sir B. Hall) would not do so; but, if not, he, as a representative, not merely of a metropolitan district, but of the people of England, had the power of calling on them to determine whether they should present an address to Her Majesty, praying that Hyde Park might not be the site selected for the exhibition, he would be quite willing however not to make any Motion at the present period; but if the hon. and learned Member for Sheffield, who had given notice of a Motion on the subject, did not do so, he should be prepared to move for an address to Her Majesty.

LORD J. RUSSELL thought the House would be generally of opinion that it would be more to their advantage and to the advantage of the public to discuss this question with a knowledge of the facts. He was ready to give an early day on which Government Orders took precedence for any Motion being brought on upon this subject.

MR. B. OSBORNE said, an early day was important, for a great deal of property in the neighbourhood of Hyde Park was at stake—many persons were withdrawing from that neighbourhood in consequence of the projected exhibition. Two builders had expended a large sum—as much as 150,000*l.*—in that neighbourhood, and they were in a state of trepidation until the decision of the House was known.

MR. A. J. HOPE believed the public were not half aware of what they might expect from this exhibition. Water carriage was requisite, and the immense masses of goods exhibited would have to be landed at Ranelagh Wharf, and conveyed through Grosvenor-place, Belgrave-square, or even Chesham-place.

COLONEL SIBTHORP said, that a deep feeling of indignation had been excited in the metropolis by what had already been done respecting this exhibition. Hyde Park was the property of the people, and they would not permit it to be further mutilated. A Royal Commission, as it was called, for the purpose of flattery, was appointed in January last; and ever since that begging-boxes had been sent round amongst all classes, down even to poor servants, to induce them to subscribe their hard-earned shillings to the great exhibition. One of the begging gentlemen waited on him (Colonel Sibthorp), on the part of the Royal Commissioners at Westminster; but he dismissed the suitor with the observation that he never would encourage foreigners to the displacement of native industry. The promoters of this delusive undertaking were not content with begging, they also resorted to intimidation. Tradesmen were addressed in this manner—"If you don't give us something for the exhibition, we will withdraw our custom from you, and recommend our friends to do the same." Although it was impossible to replace the trees which had been cut down, further mischief might be prevented.

MR. REYNOLDS said, that it might be objected that being an Irish Member of Parliament, he should take part in this discussion. However, as great inconvenience was expected to arise from having the exhibition in Hyde Park, he would take the liberty of suggesting how the difficulty could be overcome. For the information of hon. Gentlemen who had not had the advantage of visiting the city that he had the honour to represent, he begged to inform them that Her Majesty was the proprietor of a park in the city of Dublin, called Phoenix Park, which he believed was the largest, as it certainly was the most beautiful, park in Europe. There was a portion of it called the Fifteen Acres, be the same more or less, which in the times of duelling was consecrated by trials of the valour and courage of his countrymen. That portion of it comprised about sixty acres, and in the name of his fellow-citizens he would beg to offer to His Royal Highness Prince Albert, and to the noble Lord, and those who were seated with him in the Committee, the fee simple of the Fifteen Acres for the exhibition; and he could assure them that the people of Dublin would be exceedingly obliged to them for accepting it for that purpose. They

would not consider it a grievance if the axe were applied to any of the trees, and would not exclaim with the hon. and gallant Member for Lincoln, "Woodman, spare that tree!" but would allow them to cut down as many as they wished in their anxiety to promote such an exhibition. Dublin had many advantages for such a purpose, inasmuch as it was very close to Yorkshire and Lancashire, and Galway was the next parish to America. Under all these circumstances, he would advise the Royal Commission to take the suggestion, and to accept the Fifteen Acres.

MR. ALCOCK thought that Battersea-fields possessed advantages superior to any other locality for being the site of the exhibition. The fields were flanked by the river on one side, and a railway on the other. Owing to the facility of transporting materials, the building for the exhibition might be erected in Battersea-fields for 20,000*l.* less than it would cost anywhere else. It would be only a mile from Buckingham Palace, presuming that a bridge was made, for which power had been taken by the Commissioners of Woods and Forests in the Act authorising the making of the park. It contained 300 acres, would afford ample accommodation, be in every respect most convenient, and, so far from the exhibition being there objected to, would be hailed by all who were connected with the district—so much so that a large sum would be raised for the purpose, and probably 10,000*l.* saved to the public—the bridge itself being likely, in such case, to be erected by private speculation. If the building were erected there, and made permanent, the additional advantage would be gained of getting rid of the disgraceful nuisances which prevailed in Battersea-fields on Sundays.

LORD J. RUSSELL said, that the Commissioners could not justly be accused of remissness in the discharge of their duties. The Commissioners, including those who were Members of the House, and who had been sitting in it till four o'clock on Saturday morning, met at ten o'clock the same day; and this day again they had assembled at eleven o'clock, and continued sitting till three. To meet the desire of the House to have the question decided, he would fix Thursday at five o'clock for the discussion.

MR. T. S. DUNCOMBE said, that the question of expense was one of the most important considerations connected with the undertaking. It was to be feared that

at some future period one of the Commissioners would rise in that House with a doleful face and an empty purse, and say that the exhibition had cost 300,000*l.*, whilst the funds in hand amounted to only 100,000*l.*—that the Commissioners had incurred liabilities for a national object, and ought not to be allowed to suffer. The result of such an appeal might easily be anticipated. Much unpleasant feeling would be avoided hereafter by the Government coming at once to an understanding with the House upon this point. As to the system of begging from door to door, it was degrading, and should be abandoned forthwith. Had the Government taken into consideration the measures which must be adopted for the purpose of maintaining order during the six or seven months the exhibition would be open? Immense masses of people would be drawn to London by the show. The manufacturers were already recommending their workmen to save from their earnings a sum sufficient to bring them to London. 200,000 persons might be expected to visit London from the manufacturing districts. In France, also, persons were beginning to provide the means of visiting the British metropolis next spring. It might reasonably be anticipated that we should be favoured with the company of a large percentage of the millions recently disfranchised in France, who were called the "wandering population." Those persons would doubtless like the idea of coming to England, and think it *très sociale*. Our mechanics might be expected to set their foreign visitors an example of peaceful conduct; but the lovers of order and the owners of property would begin to think the presence of such large masses of people dangerous, and Government would find it necessary to employ a very large body of police or a military force. It would not look well to have special constables with white ribands on their arms and staves in their hands to receive and attend upon our foreign visitors. It would be found necessary to adopt precautions on a large scale, for troops could not be kept constantly under arms, and there must be numerous reliefs. All these matters required consideration.

Motion agreed to.

SUPPLY—CASE OF MR. SMITH O'BRIEN.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. C. ANSTEY said, that previous to

the House going into Committee of Supply, he begged to move for an inquiry into the circumstances under which a letter addressed by Mr. W. Smith O'Brien to a Member of this House, complaining of his having been placed in solitary confinement by the present Lieutenant Governor of Van Diemen's Land, was intercepted and opened in that colony by the local authorities. He considered that this was a matter which, although not in point of form, yet in point of substance, did concern the privilege of the House, and he trusted that hon. Members would give attention to their own privileges. The case was this, Mr. S. O'Brien having refused a ticket of leave offered to him, on giving his parole that he would not attempt to escape, was sent to a penal settlement at Maria Island, and he thought that in that situation he had reason to complain that the regulations of the island had been stretched by the Governor in his case, for the purpose of visiting him with an extraordinary degree of severity. He had consequently addressed a letter to him (Mr. Anstey) in his public capacity, as a Member of the House of Commons, complaining of his hardships, and soliciting his intervention. He was aware that in England and Ireland plenary powers were given to governors of gaols, in virtue of which they might open and detain letters addressed by convicts to their friends outside; but the case was different in Van Diemen's Land. There was there no difference between free and bond: equal powers were given in both cases, and by a local Act a particular mode was pointed out for the transmission of, and charges on, convict letters; but beyond that there was no difference between free and bond, and equal penalties were awarded to the detention or opening of letters in either case. He thought he saw reason in this. In this country there were ample checks for abuse in the exercise of such a privilege; but in that enormous gaol, Van Diemen's Land, containing 40,000 prisoners, and situated 16,000 miles from the seat of Government, the most stringent checks and regulations were necessary to prevent tyranny. By law, governors had been given a right in the labour of convicts, and much abuse had been the consequence, the convicts being often employed on the private property of the governors, much to the benefit of the latter. At last it became absolutely necessary that active steps of repression should be taken by Lord Stanley; and the information on which these steps were

founded, were mainly convict letters. He mentioned this to show that in the colony convicts had been in the habit of having the most perfect freedom of communication. Now Mr. S. O'Brien having addressed a letter to him (Mr. Anstey), "House of Commons," under cover, according to rule, to the superintendent of convicts, that letter was opened by the deputy-governor, who forwarded it, stating that he had opened it to ascertain what were the misrepresentations, as he called them, of Mr. S. O'Brien respecting his (the Governor's) conduct. It came to the Colonial Office, and was thence delivered to him (Mr. Anstey). Of that Office he had no complaint, his whole complaint being against the colonial Governor. He contended that the letter should have been at once forwarded to the Colonial Office; and there was no doubt but that Earl Grey would have sent it to him with the seal unbroken. If the Government had any privilege of opening letters in the colony, it was only upon information upon oath, that the letter contained something dangerous, it could do so. There had been none in this case, and therefore he contended that a harsh, impolitic, and not very honourable proceeding, had taken place. He had himself resided in the island, and had forwarded many letters from convicts to their friends, and he could declare upon his honour, that he had never known a letter to be opened, except in the case of sworn informations. The fact was, that in the island the standard of morality was so low, that people did not care whether a man was a convict or not, and all the landmarks between right and wrong were obliterated. He could state upon his own knowledge that it was not the custom in the colony to open the letters of convicts. As well might the right hon. Baronet the Member for Ripon, when charged with opening letters, have alleged that it was a general practice in this country, as Sir W. Denison to assert it of Van Diemen's Land. Now there was nothing in Mr. S. O'Brien's letter to which the slightest objection could be taken. He complained of many of the regulations, but at the same time acknowledged the kindness he had received from many individuals in the island. He complained of the abominable society to which he was at first exposed, and acknowledged subsequent amelioration to some extent by being removed to a cottage where he was permitted the use of his books. He trusted that the House and the Government would see the

necessity of further ameliorations, and feel satisfied with the amount of punishment which that misguided gentleman had already undergone. Mr. S. O'Brien had stated to him that such was the nature of the sufferings he had undergone, that he would have cheerfully preferred death to his present punishment. He (Mr. Anstey) believed that the Government were well inclined to diminish his sufferings, and he trusted that they would carry out their good intentions. He was prepared to justify Mr. S. O'Brien's refusal of the ticket of leave. It only comprehended the liberty of locomotion and of earning his bread to the convict; but let him insult the meanest snob that walked the island as a freeman, and he would be immediately placed in the black book. One of the convicts (Mr. M'Manus) had been put on his trial for an offence of that kind, and would have been put to work in a chain gang but for the merciful conduct of the magistrate. He knew Mr. S. O'Brien, and that his spirit would not have brooked the petty insults which would have been showered on him by the low persons who would have been only too willing to show him the immeasurable distance between bond and free. He trusted that his (Mr. Anstey's) remonstrance, experienced as he was in colonial matters, would have some effect on Her Majesty's Ministers. If they did not think that the time had come for granting these unfortunate men a free pardon, he trusted they would see the propriety of allowing them to go free to any part of the world except the British dominions. With these observations he should move the Amendment he had given notice of.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to inquire into the circumstances under which a Letter addressed by Mr. William Smith O'Brien to a Member of this House, complaining of his having been placed in solitary confinement by the present Lieutenant Governor of Van Diemen's Land, was intercepted and opened in that Colony by the local authorities,'"

instead thereof.

MR. DICKSON seconded the Amendment, and referred to a petition from the county of Limerick, in which the deepest sympathy had been expressed for Mr. S. O'Brien, coupled with an earnest desire for some relaxation of his severe treatment.

SIR G. GREY thought that the hon. and learned Gentleman the Member for Youghal himself must see on reflection that there was no ground for a Parliamentary inquiry into the circumstances to which his Motion referred. If the hon. and learned Gentleman supposed that the opening of the letter had arisen from any intention to act in a manner disrespectful to him, he was quite mistaken; it arose solely from the practice universally adopted by the Government with respect to convicts who had not tickets of leave, that being the position of Mr. S. O'Brien, and in which he had placed himself by his own act, in refusing to accept a ticket of leave. He must remind the House, that Mr. S. O'Brien and his companions having forfeited their lives to the laws of their country, the sentence passed on them had been commuted to transportation for life. Departing from what had been the uniform practice in these cases, the Government, taking all the circumstances into consideration, wishing on the one hand to enforce obedience to the law, and being unable, on the other, to concede a remission of the sentence, inasmuch as that might have led to a repetition of the crime, thought themselves warranted in granting tickets of leave to all the convicts who chose to accept them shortly after their arrival in the island. These tickets were accepted by three of the persons in question, but refused by Mr. S. O'Brien. Had he accepted the indulgence which the Government offered, he would have been placed in a class to which the restraints against which he now murmured would not have applied. Under these circumstances he was hardly entitled to claim a special exemption on his behalf from the ordinary regulations of the place. The hon. and learned Gentleman seemed to think it a violation of honourable feeling to open letters addressed to or by convicts; but it was what took place with respect to every person who had been made the object of a criminal sentence, whether in England or that country; and for this plain reason, that if letters were allowed to be freely transmitted by and to such persons, means of escape might be concerted, articles might be transmitted to the newspapers, and there might be a defiance of justice, turning the punishment of crime into a laughing-stock. Government had gone to the full extent to which they thought themselves justified in relaxing the severities of Mr. S. O'Brien's sentence. If, because Mr. S. O'Brien had

been a gentleman and a Member of that House, he was to be treated in a way that would exempt him from all the inconveniences of his position, the only effect would be to hold up justice to contempt.

MR. B. COCHRANE rose to express his sense of the hardship to which a colonial Governor like Sir W. Denison was exposed if he discharged his duty fairly and honourably, without any other feeling than that which he believed every other man in the country entertained to Mr. S. O'Brien. He agreed with the right hon. Gentleman, that the law of the land ought to be fairly executed, and that there was no reason for showing favour to men of one class more than another. There was a kind of false sensibility rising up through the country, in consequence of which they had recently seen another crime committed in the shape of an outrage on the person of the Sovereign. For his part, he thought the law should be carried fairly and conscientiously out, without regard to the class of society to which the criminal might belong.

MR. O'FLAHERTY assured the Government that if the opportunity should occur, and he trusted it would arise during their tenure of office, to do an act of mercy towards Mr. S. O'Brien, they would, by availing themselves of it, secure to themselves the gratitude of all classes of the people of Ireland.

MR. HUME thought the right hon. Baronet had satisfactorily explained the conduct of the Government, and, in his opinion, these were questions which it would be fair to leave altogether in their hands. There was one point, however, apart from the treatment of Mr. S. O'Brien which deserved some attention. The hon. and learned Member for Youghal had complained that certain letters addressed to him as a Member of Parliament had been opened. Now, he did not know what the practice was now, but formerly he had known letters addressed by prisoners to Members of Parliament allowed to pass unopened. He admitted that it would be improper to allow indiscriminate communications from convicts to parties who were unknown to pass without examination; but at the same time it appeared to him that there should be some respect paid when the prisoner wished to make the communication to a Member of Parliament, for the purpose of complaining of improper treatment. To open letters of that description was carrying the regulation too far.

The O'GORMAN MAHON said, the proposal of the hon. and learned Member for Youghal had originated in the circumstance that the seal of a letter addressed to himself had been violated by the Governor of Van Diemen's Land. He (The O'Gorman Mahon) did not believe that the Governor would have ventured to open that letter if it had been addressed to the Lord Chancellor, the Speaker of the House of Commons, or any one of the law dignitaries of the country; and he could not see, therefore, why he should be allowed to open it when addressed to a private Member of Parliament. He protested against the doctrine laid down by the hon. Member for Bridport, that there was no distinction between the case of Mr. S. O'Brien and that of any other convict. Mr. S. O'Brien's case was not analogous to that of other convicts. It was true that he had been subjected to condemnation after certain formularies had been gone through; but he (The O'Gorman Mahon) would candidly tell the House, that having been present at the trial at Clonmel, and having come from France to volunteer his evidence in favour of his hon. friend Mr. S. O'Brien, he had watched with attention the proceedings at the trial; and that if the House would appoint a Committee, and he were examined before it, he would explain his reasons for the declaration that he was by no means satisfied with the course pursued at that trial, and the mode by which the conviction of the hon. Gentleman was obtained. It was not his object, however, to rip that question up now; he merely volunteered his evidence if the House would appoint a Committee. He maintained that Mr. O'Brien was not in the same category as other convicts. True, by the construction which was put upon the law, he was found guilty of treason; but let the House mark what species of treason. It was treason unattended by the shedding of one single drop of blood. To be sure, a child, or an old woman, was shot by accident; but there was no collision and no destruction of property; and it was a notorious fact, that but for his friend William Smith O'Brien blood would have been shed, lives would have been lost, and property would have been destroyed to an enormous amount. He having then, at the risk of his own life, prevented the spoliation of property, and put a stop to the nefarious projects of others who sought to band themselves together, and urge him on to deeds which his soul disdained, and

he himself having been the victim, would the hon. Member again assert that there was no distinction to be drawn between the man who had thus acted, sacrificing himself that he might save others, and those convicts who had been thrust out from civilised society as a curse, and whose conduct justified the punishment they endured? It was with extreme gratitude that he had listened to the observations which had dropped from Sir G. Grey; and he trusted that when the appropriate time arrived the Government would have the satisfaction of advising Her Majesty to an act of mercy which would ensure to Her an addition—if an addition were possible—to the attachment which already existed in the Irish bosom, and to Ministers themselves a participation in the gratitude of the nation.

MR. MONSELL must say that the Government had shown every disposition to meet all reasonable suggestions on behalf of Mr. S. O'Brien; but he thought the colonial authorities had not evinced the same desire. He would read a letter, written by a person in Van Diemen's Land, which had fallen into the hands of the hon. Member for Clare, which would show that there was some reason for the complaints which had been made on behalf of Mr. S. O'Brien. This letter was dated November 26, three weeks after Mr. S. O'Brien arrived in the colony, since when he admitted some change for the better might have been made, but it nevertheless gave some idea of the kind of treatment to which this unfortunate person had been subjected. [The hon. Gentleman read the letter, which stated generally that Mr. S. O'Brien had arrived in the colony three weeks ago, and having refused to accept the ticket of leave, he was sent to that settlement to be employed—that he was treated very rigorously, and in all respects as one of the worst convicts, except in so far as he was not compelled to labour in the gangs or wear the convict dress—that he was not permitted to hold intercourse with any one—that he was restricted to the convict allowance of food, and, though he had money, was not permitted to purchase anything beyond it.] Now, he wished to draw the attention of the Government to what would be the probable effect on the mind and health of a man like Mr. S. O'Brien of being kept separate, and necessarily so, from the other convicts; and also, of being debarred from all intercourse

with the officers in charge, or any other person. If the right hon. Gentleman the Home Secretary would undertake to inquire into the matter, with the view of causing some relaxation to be made in the rules in this respect, in Mr. S. O'Brien's favour, he would give very great satisfaction to his (Mr. Monsell's) mind, as well as to the minds of many other people connected with Ireland.

SIR L. O'BRIEN said, he must complain of the attempts to cast discredit on the statement he had made on a former occasion in reference to his brother, which had been made in a letter published in the *Times*, signed with the name of "Shaw," which, he alleged, conveyed by no means a fair statement of the facts of the case. The whole of the statement he (Sir L. O'Brien) had made had been, fully confirmed by a letter addressed by his brother to Mr. Butt, the Queen's Counsel. He would not read that letter, as it would occupy too much time, but would merely say that it confirmed every word that he had stated. He would only add, that if the suggestions thrown out by his hon. Friend the Member for Limerick county were acted upon, it would give great satisfaction in Ireland, and he believed in that House. All he asked was, that his brother should be treated with some consideration in the unfortunate position in which he stood.

MR. HAWES could assure the hon. Baronet and the House that the Governor of Van Diemen's Land was actuated by no other feeling than a desire to discharge his duty in as exemplary a manner as possible, as well to the prisoner in his charge as to the Crown. Since the date of the letter referred to by the hon. Member for Limerick county, certain modifications had been made in the treatment of Mr. S. O'Brien, which were intended to mitigate the asperity of his position. If Mr. S. O'Brien had been subjected to solitary confinement, he had only himself to blame for it. Having refused the ticket of leave which was offered to him, there was but one of two alternatives open to him, either to mix in the contaminating society of the other convicts, which of course he could not do, or to lead a life of isolation. It was not true that he had been treated with harshness—on the contrary, greater indulgence had been extended to him than was usually awarded to persons similarly circumstanced.

For this the Governor was perhaps open to censure. If it should appear that the treatment to which he was at present subjected, was injurious to his health, a representation to that effect would, no doubt, be made to the Governor, who would make every reasonable relaxation in his favour. The Governor had acted throughout under a strong sense of duty; and most assuredly there was no charge to which he was less liable than that of having treated Mr. S. O'Brien with unnecessary harshness.

MR. EWART hoped that the Government would treat this unfortunate gentleman with as much indulgence as they could feel to be consistent with their duty. He hoped that they would not allow a man by an unfortunate perversity of temper to place himself in a worse position than it was even in the contemplation of the law that he should occupy. His sentence most assuredly did not contemplate that he should be condemned to solitary confinement. He did not mean to justify the conduct of Mr. S. O'Brien: on the contrary, he strongly disapproved of it, and greatly deplored it; but he had long enjoyed that gentleman's friendship, and now in the days of his adversity he would not hesitate to speak of him as his friend. In his case, reason was now on the side of justice, and he sincerely hoped that the Government would treat him with as much consideration as might appear to them to be consistent with justice.

MR. S. CRAWFORD admitted that it was incumbent on the Government, after Mr. S. O'Brien had been so foolish as to refuse the ticket of leave, to take effective measures to prevent his escape; but he hoped that they would not pursue in his case, a course more severe than the circumstances of the case might appear to warrant. It was not merely in the south of Ireland that the character of Mr. S. O'Brien was regarded with feelings of respect and admiration. In the north there was a general feeling of disapproval of the infatuated courses to which he had committed himself; but with that feeling was combined a sentiment of the tenderest compassion for his unhappy fate, and a feeling of cordial esteem for the many noble qualities which adorned him. Nothing could afford greater gratification to the people of Ireland than to learn that he was treated with merciful consideration.

MR. C. ANSTEY explained. He had

not called upon the Government to procure a free pardon for Mr. S. O'Brien. What he had said was, that it would be an act of mercy and of good policy to grant that gentleman a conditional pardon, which, though it might not permit him to return to his native land, would give him the privilege of visiting other countries. With respect to the opening of his correspondence, he had asked no special exception in favour of Mr. S. O'Brien. What he had stated was, that to his own knowledge, an Order of Council had been some years ago agreed to, directing that the letters of convicts should not be opened, except under such circumstances as would justify the opening of the letters of a free man; and what he demanded was, that this salutary regulation should not be departed from to the prejudice of Mr. S. O'Brien.

COLONEL DUNNE took the same view of the question as the hon. Member for Montrose, and thought that the practice of opening letters directed by convicts to Members of Parliament was highly reprehensible. Persons in the unfortunate position of Mr. S. O'Brien had no other means of making known to the public the grievances to which they might be subjected than by communicating with Members of that House, and they ought certainly to be allowed to do so without restraint.

COLONEL THOMPSON said, he was sure he should not be suspected of any unfriendly feeling towards Irishmen, either in general or in particular. But the case of Mr. S. O'Brien appeared to him to be like that of an officer who refused to give his parole. He might have his reasons for such refusal; but the world at large would not go with him when he complained of the consequences. If he could see the smallest reason to believe that the Government desired to press hardly or inconsiderately upon Mr. S. O'Brien, he was sure there was nothing he would not do to signify his condemnation of it; but he could not see any. On the contrary, he was anxious to congratulate the present Government, on having broken through the great bar to the abolition of capital punishment, which existed in the doctrine that it was impossible to dispense with it in political cases.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 45; Noes 17: Majority 28.

Main Question put, and agreed to.

(1.) 125,000*l.* PUBLIC EDUCATION, GREAT BRITAIN.

House in Committee of Supply; Mr. Bernal in the chair.

MR. EWART moved the resolution of which he had given notice, and which was to the following effect:—

“That a statement be made on the part of the Government, on going into the Education Estimates (as is done on going into the estimates for the Army, Navy, and Ordnance) of the sums appropriated each year to the purposes of education; the attribution of those sums; the relative increase of common schools of all sorts receiving grants from Government; the number and progress of schools of design; and of all educational institutions (including public libraries, and museums of galleries of art and science) for which money is voted by Parliament.”

In all other countries it was customary for one of the Ministers to make a statement at least once every year, explanatory of the state of education and its probable prospects; and he had long thought that the custom was one which might be adopted with great advantage in this country. Several years ago he had made a suggestion in that House; and the right hon. Baronet the Member for Tamworth, whose absence they all so deeply deplored, being then in office, admitted the justice of his (Mr. Ewart's) views, and promised to make some such explanation himself, at some convenient period of each Session. Last Session a statement of this nature was made by his right hon. Friend the Secretary of State for the Home Department; but it was not at all as comprehensive as it ought to have been, for it only had reference to the grants for sites for schools. What he (Mr. Ewart) wished was, not a mere statement respecting the grants appropriated by the Committee of Council, but a statement that should present a complete view of the present condition and future prospects of education all over the country, including all sorts of institutions. The details respecting the present vote, for instance—public education in Great Britain—would be of great importance to the public, as would also the details respecting public education in Ireland. Then there was the vote respecting schools of design—also a most important subject. He regretted, in passing, that those schools had not been carried out according to the original design of the Committee with whom they originated, and of which he had the honour to be chairman. He regretted more particularly that the central school in London had not been made a normal

school for teachers, instead of a school for pupils. He rejoiced, however, to see that schools of design had been established all over the country, and that some attention was now being paid to the instruction of females in them. Of the vote now under consideration he would only say, that it seemed a very scanty one to satisfy so important a requirement as that of education for the people of this country. He admitted that the intelligence from Ireland was of a more satisfactory character; for it appeared that the number of children that were receiving education under the national system in that country ranged between 400,000 and 500,000. Some information respecting the progress of these schools would be highly acceptable both to the House and to the public; and he hoped that his right hon. Friend at the head of the Board of Trade would enlighten them on the subject. He found that, under the head of expediture in aid of education, there were a variety of items: such, for instance, as grants to professors of Cambridge and Oxford, the Royal Irish Academy, the Dublin Society, and the British Museum. On these subjects it was but natural to suppose that the public should feel very great interest. It was exceedingly desirable that some Minister of the Crown should annually deliver a statement in which allusions and explanations respecting these national institutions might be consolidated. The National Gallery, too, was an institution in respect of which the public felt very considerable interest; but the information that was supplied to them respecting its present position, and the changes that were in contemplation, was exceedingly inadequate. It was no answer to his Motion to say that all requisite information might be found in the blue books; because those volumes, it was well known, were only accessible to a few, and their ponderous proportions made them formidable to all. If they wanted to hide a thing from the public, the surest way to do it would be to put it in a blue book; for, once entombed there, the chances of resurrection were very trifling. A *viâ voce* statement by a Minister of the Crown would convey the information in a manner much more attractive and popular than any elaborate explanation to be found in a blue book.

SIR G. GREY admitted the great importance of the question to which the hon. Member for Dumfries had called the attention of the House; but he apprehended

that it would be difficult for any one Minister to make a general statement of the kind referred to, respecting all the different points mentioned in the Motion, because the fact was that they came under the cognisance of different departments of Government. To do what the hon. Gentleman desired, would be very much as if the separate statements now made respecting the Army, Navy, and Ordnance, were to be made at once by one of the three heads of these departments. With respect to the present vote—public education in Great Britain—he was ready to afford the hon. Gentleman every information *vis à vis* which he could require of him. The hon. Gentleman had anticipated one answer which he was prepared to give him, and that was that the fullest and most detailed information was already to be had respecting the appropriation of the grants on education in the reports which were annually laid upon the table of the House under the name of “the Minutes of the Committee of Council on Education,” which, he begged to observe, were not given in the antiquated form of a folio, but in the more convenient form of a readable octavo. With respect to the School of Design and some of the other items mentioned in the Motion, they came under the cognisance of his right hon. Friend the President of the Board of Trade, who, he was sure, would willingly give the hon. Member all the information he required. He begged also to remind his hon. Friend, that with respect to the present vote, there was much more information given than was usual in the estimate itself. The items of the estimated appropriation for the year would be found stated under 13 heads. The total of these amounted to 151,300*l*. The 125,000*l*. now proposed, together with the balance remaining unappropriated upon the grants of former years, would be sufficient to meet that expenditure. The Minutes of Council on the table contained detailed explanations of the appropriation of the grants made by Parliament for the purpose of education in Great Britain, not for the last financial year precisely, but, what was practically the same thing, for the year from the 1st of January, 1848, to the 31st of December, 1849. Under the first head of “Statement of Grants awarded by Committee of Council on Education towards the erection or improvement of school buildings,” he found that the number of schools so erected or improved was no less than 627, the number of children accom-

modated 97,307; the total sum awarded, 106,863*l*.; paid out of sums awarded, 41,257*l*.; and not yet claimed, 65,605*l*. The second item was a “Statement of Grants awarded, on recommendations of Her Majesty’s Inspectors of Schools, towards expense of new fittings or supply of school apparatus; and also of grants in aid of purchase of school books and maps at reduced prices.” The number of schools which had received the grants was 1,047, and the total amount was 5,534*l*. The third item was a “Statement of annual Grants conditionally payable by Committee of Council on Education in the year ending the 31st of October, 1850, to pupil teachers and stipendiary monitors (with their names and date and current year of their apprenticeships); as also in augmentation of salaries of schoolmasters and schoolmistresses.” The number of schools which had received the grant was 1,361, the number of certificated teachers 681, the number of apprentices 3,581—namely, 2,424 boys, and 1,157 girls; and the amount conditionally awarded for the year ending the 31st of October, 1850, 68,111*l*. He believed that those grants would be found to have imparted a great stimulus to the pupils, and to have contributed effectually to raise the standard of education in the country. The fourth item to which he would refer was “Statement of Grants awarded to training schools on account of students holding certificates of merit, who have been trained during the year 1849,” and he found that the total amount of those grants was 2,373*l*. 10*s*. 10*d*. He would not refer to other items, because they sufficiently explained themselves. It would, indeed, be impossible to go over the whole subject in detail without reading copious extracts from “the minutes” on the table, and after all they would afford but a very partial view of the appropriation of the grants.

MR. HUME cordially supported the Motion of his hon. Friend the Member for Dumfries, believing that it would materially tend to promote the object which the House had in view, namely, the extension of education. He could not help thinking that the practice which had obtained in France on the subject, was a good one. For several years he received copies of the reports which were made to the French Chamber by M. Guizot, he believed, giving a complete view of all the branches of education in France. He (Mr. Hume) wished to see the appointment of a Minister of Education in this country, whose duty it would be to

bring the subject annually before that or the other House of Parliament. He agreed with the right hon. Gentleman the Home Secretary that "the Minutes of the Committee of Council on Education" were often valuable; he only wished they were more generally read. He felt assured that if the opinions of Mr. Moseley and others were read with the attention they deserved, they would do much to remove the prejudices which, he regretted to say, so extensively prevailed upon the subject of national education. He regretted that Parliament had rejected the means by which alone, in his opinion, the mass of the community could ever be educated, on the plea that some particular dogmas and tenets must be inculcated along with the other branches of education. That, in his opinion, was a great mistake. He begged to suggest to the Government that it would be a great improvement if they would, in imitation of the Prussian system, give a greater prominence to geography in the national schools than at present obtained, especially if they would provide the schools with maps and statistical information respecting every possession of the British empire. If they did so, they would at once promote a most useful branch of information, and facilitate the progress of emigration. He also hoped that great care would be taken in the selection of proper inspectors.

MR. SLANEY was convinced that the system of education had not kept pace with the population. If they looked to the statistics of crime, they would find that no provision had been made to make the progress of education co-existent with the increase of population. He hoped and trusted that the Government would endeavour to bring forth some plan of education which would be more effective and more palatable to the majority of the House. He would venture to suggest that it would be politic and judicious to bring forward an enabling statute to allow parishes to rate themselves for the purposes of education. He believed if this was done, many persons would be willing to rate themselves with the view of educating their fellow creatures in those districts where it was most needed. The grants by Government were now given in proportion to the aid which was given by districts; but the system was open to this objection, that in the poorest and most destitute districts, where the rich did not advance any funds, the education of the people was altogether neglected. The subject was one of such

immense importance that he hoped the Government would not lose sight of it.

MR. W. J. FOX observed that, in the last criminal tables which had been printed by order of the House, there was an omission not usual in the tables, of the educational attainments of the offenders. He hoped this omission would be repaired for the future, as it was very essential to have full information in this respect. He quite agreed in thinking that the Minutes of Education were drawn up with great ability; but they omitted to state the numbers of children who were educated in public schools in England and in Wales. He concided in the opinion of the hon. Member for Montrose, that there ought to be a Minister of Education, who could deal with the subject of schools as a general combination. The institutions of a literary character—such as public libraries, museums, &c.—could also be made a subject of notice by a Minister whose duty it would be to attend to them alone. Representations had been repeatedly made to him that numbers of young men were precluded from attending the library of the British Museum, in consequence of the inconvenient hours at which the room was kept open. The subject of public libraries and museums was one which deserved the attentive consideration of the Government; and he hoped they would not fail to include it in any arrangements that might be made for the future.

SIR G. GREY said, he had not been aware that the criminal returns of this year were at all different from those of preceding years. He would make an inquiry on the subject indicated by the hon. Member.

Vote agreed to.

SUPPLY—(2.) 125,000*l.* PUBLIC EDUCATION, IRELAND.

MR. ARKWRIGHT wished to know why 21 inspectors of education in England received 16,000*l.* for their salaries and travelling expenses, when the four head inspectors of education in Ireland only received 250*l.* per annum each, and 12*s.* 6*d.* per diem for hotel expenses, or, together, 1,685*l.* Unless the qualifications were very much lower on the one side of the Channel than on the other, it was clear that either one set of gentlemen were overpaid, or the other underpaid.

SIR G. GREY said, that the duties of the Irish inspectors were much less onerous and occupied much less time than those of the English inspectors.

Mr. ARKWRIGHT did not see how that could be, since the calculation of hotel expenditure for the Irish inspectors on inspection duties was put at nine months in the year.

Vote agreed to.

(3.) 14,755*l.* School of Design and for aid to Provincial Schools.

Mr. EWART would be glad if the Government would give some details with respect to this item.

Mr. LABOUCHERE said, that full information on the subject was afforded in Mr. Northcote's letter appended to the estimate. The increase in this year's estimate, amounting to nearly 5,000*l.*, was occasioned, in the first place, by the large allowance for the outfit fund, it having been found that Government could not more effectually aid the provincial schools of design than by providing them amply with good casts and models. Another feature in the increase which he thought would meet with the full sanction of the House, was the extension to Ireland of that Government aid to schools of design which had operated so beneficially in England and Scotland. The corporations and communities of the principal towns in Ireland, especially those of Dublin, Cork, and Belfast, had exhibited the utmost readiness to promote these schools in their particular localities by liberal subscriptions; and the Government had therefore felt themselves not only justified, but called upon, to propose the grant set forth in this estimate.

Mr. HUME had always understood that the principle upon which grants were to be made for this purpose to localities was, that the localities themselves should contribute their quota. Now, he found that Birmingham, for example, to the school of design, of which 600*l.* was proposed to be granted, contributed nothing; that Nottingham, to which 400*l.* was to be given, only subscribed 20*l.* He found in the Treasury Minute appended to this estimate the following passage:—

"My Lords observe, that in the report of the Committee of the House of Commons it is stated as their opinion, 'that the principle originally adopted on the recommendation of the Committee of Arts and Manufactures, of making the Government grant depend on the voluntary subscriptions to the branch schools, was a sound one, and ought to be maintained.' My Lords fear that this recommendation has not been in practice strictly adhered to. They, however, desire to express their entire concurrence in the principle so laid down, and they trust that the Committee of Privy Council for Trade will, in all future grants of

public money to these schools, give effect as far as possible to this recommendation."

He wished to know whether the right hon. Gentleman concurred in the proposition so laid down?

Mr. LABOUCHERE entirely concurred in the proposition, and at all times did his utmost to have it carried into effect. With reference to Birmingham, he could explain that a handsome subscription had, in fact, been made there to meet the Government grant, but the amount was not known at the Treasury at the time the estimate was prepared.

Mr. HEADLAM said, he must complain of the manner in which Newcastle had been treated in the distribution of funds. In consequence of the grant having been discontinued in 1848, he made inquiries into the state of the school, and found that it was supported entirely by local subscriptions, that great interest was taken in it by the leading inhabitants of the town, and that the scholars attended regularly, and exhibited great proficiency. Though the town was not quite so populous as Manchester or Birmingham, yet the state of art in Newcastle was very high. As a proof of this, all the painted glass in the beautiful church within a few yards of that House, raised by the munificence of a lady, was contributed by Mr. Wailes, of Newcastle, who considered the School of Design highly important for the education of those who practised his art. Under these circumstances, he thought that the sum of 150*l.* now granted was far too small in comparison with the sum given to other towns with very inferior claims.

Mr. HUME wished to know if it was proposed to continue to receive pupils in the Metropolitan School of Design? He had understood that school to be intended only for persons who were to be engaged as masters.

Mr. LABOUCHERE said, it was not intended to make the London school exclusively a normal school. In a place like London, where so many beautiful and ingenious manufactures were carried on, it would be most inexpedient to debar students from the benefits of such a school.

Vote agreed to.

(4.) 2,006*l.* Professors of Oxford and Cambridge.

Mr. EWART regretted that they had not at these universities a professor of history in connexion with diplomacy. In the time of George I., the professors of modern history at Cambridge and Oxford were intended to promote a knowledge of

history in connexion with the provisions of treaties; and some of the best diplomatists of this country owed their celebrity to the information which they received under these professors. In the German and other universities on the Continent, diplomacy was made a branch of study; but no instruction whatever was afforded in this important branch in any of our English universities; the consequence was that the younger branches of the aristocracy entered life perfectly ignorant upon the subject, without knowing, perhaps, even the nature of the Treaty of Utrecht or of Westphalia. Without wishing to see any special degrees given for proficiency in this study, he still thought that a certificate given to persons who might have passed with proficiency through a course of modern history in connexion with this subject, would be of great service, and, at all events, would assist the noble Lord at the head of the Foreign Office in the selection of fit and proper persons to be appointed as *attachés* in foreign countries.

Mr. HUME concurred in the suggestion of the hon. Member, and hoped that it would not be long before the noble Lord at the head of the Foreign Office would be prepared to lay down a rule that no *attaché* should be appointed who had not passed through a certain examination.

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Mr. EWART stated, that he was perfectly aware of the difference which existed between diplomatics and diplomacy, and the hon. Member was in error in supposing that the latter was not taught at the universities to which he had referred.

Mr. GLADSTONE said, that it must not be forgotten, that although this grant was made by the public, a very heavy tax was imposed in return on degrees—a tax which was in every way unworthy of the state of opinion in that House with respect to education. It was a most unjust and burdensome tax, which, after all, yielded but an insignificant sum to the Exchequer; and he was satisfied that the universities would gladly provide the funds required for the payment of their professors if this tax was given up. With regard to the observations of the hon. Member for Dumfries, if he referred to the importance of an acquaintance with treaties, and a general knowledge of the law of nations, he agreed that it would be most desirable that this branch of study should be carefully attended to by a particular class of students in the universities. He ventured to hope that the alterations which had recently been made in the course of study at Oxford, must necessarily lead to the study of these subjects. He did not believe that many students would direct their attention to them; but he had no doubt that a certain class of young men, to whom it was most important that their minds should be engaged with those subjects, would be led to turn their attention to them. With regard to the libraries at the universities, he quite agreed with those hon. Members who had spoken in thinking that the immense stores of learning accumulated there should be thrown open to the students generally, and he believed that nothing but the expression of a general desire to that effect was wanting to induce the authorities to comply with the wish.

Mr. LENNARD said, modern history and the law of nations were at present made distinct branches of study in the University of Cambridge. In reply to the observations of the hon. Member for Oldham, he would say that the lectures in that university were open to the public. With respect to the appointment of a professor of diplomacy, he did not think that was at present required at Cambridge, as there were two eminent professors there, whose lectures included all the instruction which the hon. Gentleman desired in that respect.

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MR. CORNEWALL LEWIS said, that the hon. Member for Dumfries appeared to have fallen into error as to the fact of diplomacy being taught in the German universities. He (Mr. C. Lewis) believed that there were lectures delivered in some of these universities upon what was called, not "diplomacy," but "diplomatics," for the purpose of instruction in "diplomas" or ancient deeds—antiquarian palæography in fact—and there was no doubt that in the course of lectures delivered there would be some upon the law of nations, in the same manner as lectures upon the same subject would be delivered in the English universities by the professors of law and jurisprudence.

MR. EWART stated, that he was perfectly aware of the difference which existed between diplomatics and diplomacy, and the hon. Member was in error in supposing that the latter was not taught at the universities to which he had referred.

MR. GLADSTONE said, that it must not be forgotten, that although this grant was made by the public, a very heavy tax was imposed in return on degrees—a tax which was in every way unworthy of the state of opinion in that House with respect to education. It was a most unjust and burdensome tax, which, after all, yielded but an insignificant sum to the Exchequer; and he was satisfied that the universities would gladly provide the funds required for the payment of their professors if this tax was given up. With regard to the observations of the hon. Member for Dumfries, if he referred to the importance of an acquaintance with treaties, and a general knowledge of the law of nations, he agreed that it would be most desirable that this branch of study should be carefully attended to by a particular class of students in the universities. He ventured to hope that the alterations which had recently been made in the course of study at Oxford, must necessarily lead to the study of these subjects. He did not believe that many students would direct their attention to them; but he had no doubt that a certain class of young men, to whom it was most important that their minds should be engaged with those subjects, would be led to turn their attention to them. With regard to the libraries at the universities, he quite agreed with those hon. Members who had spoken in thinking that the immense stores of learning accumulated there should be thrown open to the students generally, and he believed that nothing but the expression of a general desire to that effect was wanting to induce the authorities to comply with the wish.

MR. LENNARD said, modern history and the law of nations were at present made distinct branches of study in the University of Cambridge. In reply to the observations of the hon. Member for Oldham, he would say that the lectures in that university were open to the public. With respect to the appointment of a professor of diplomacy, he did not think that was at present required at Cambridge, as there were two eminent professors there, whose lectures included all the instruction which the hon. Gentleman desired in that respect.

Mr. SLANEY hoped the first instructions given to students in diplomacy would be to speak the truth. One of the best ambassadors this country ever had was a man who had learned that lesson, and by his undeviating adherence to truth the other nations were completely deceived by him.

Mr. V. SMITH said, if the withdrawing of the duty on degrees would meet the expenses of the professorships, he thought it would be most desirable to get rid of them, and effect thereby an arrangement that would be more satisfactory to all parties. He thought it highly objectionable that the votes for the different universities and academies should be included in the estimates, and discussed in that House every year.

Mr. EWART hoped that some arrangement would be made by the noble Lord at the head of the Foreign Department by which those agents who were in future to represent this country abroad would not exhibit so great an ignorance of the first principles of diplomacy as had been too often witnessed.

VISCOUNT PALMERSTON said, some such arrangement had been for some time in contemplation; and he hoped to be able to have an examination instituted for those who were about to enter on their first mission.

Mr. C. ANSTEY said, in almost every foreign country they had a department of public law, and he might instance particularly Russia, in which it was necessary to obtain some proficiency before the lowest diplomatic post would be conferred on any candidate. All the Government officials were in that way conversant with matters of which their diplomatic agents were profoundly ignorant, thanks to the education the younger sons of the aristocracy received at their universities.

Mr. STANFORD said, he must defend the course of education pursued at their universities, for it was only necessary to look for a moment at the long life of distinguished men, both at home and abroad, who had graduated at these universities, to prove that they possessed attainments of the very highest description. He must complain also of the utter neglect of the Government in conferring appointments upon men who had passed through their university career with the greatest honour: it was very different to the manner in which the Governments abroad conferred their most important diplomatic appointments

upon those who had distinguished themselves in the foreign universities.

Mr. A. B. HOPE admitted that the Universities of Oxford and Cambridge did bring forth men of great and distinguished talent; but he could not concur with the hon. Gentleman the Member for Reading in the opinion that they had any right to complain of any undue neglect on the part of the Government of this country. He denied that men of eminent literary attainments were deprived of due opportunity of advancement. He might, with great propriety, refer as an illustrious proof of this to one individual for whose recent calamity every one who heard him must feel the deepest regret. He, when a young man of 21, was at once put into high office, and why? Because he had become a double first-class man in the University of Oxford. It was not fair, therefore, to charge the Government of the country with neglecting men of talent who were connected with our universities. At the same time he must observe, that if the selection were made exclusively from seats of learning, it would be establishing a principle of centralisation, which he was happy to believe was contrary to the habits of the people of this country.

Vote agreed to; as was—

(5.) 3,967*l.*, University of London,

(6.) 7,480*l.*, Universities, &c. Scotland,

Mr. EWART said, that access was not afforded to the public to the libraries connected with the universities in Scotland. Several years ago, eleven universities had a right to demand copies of works from authors and publishers. This was considered a great grievance, and a Bill was passed which reduced the number of university libraries which had a right to demand copies to five. In consequence of this the country made a compensation to those six universities who were no longer allowed to demand copies. The inhabitants of the towns in Scotland were of opinion that they were entitled to have access to those libraries, as an equivalent for the sum so paid. He thought there was reason in the claim. In France and Italy all the university libraries were open to the people of the towns in which the universities were situated.

Mr. HUME considered that when the public contributed money to the libraries, they ought to be available to the inhabitants generally.

Mr. F. MAULE hoped the House would be satisfied with the assurance that the attention of the Government had been al-

ready turned to this subject with a view to do what would be right in the matter. At the same time, the House must be aware that the Government possessed very little control over the libraries of the universities. The library of the University of Edinburgh was for the exclusive use of the students there.

Vote agreed to; as were also—

(7.) 300*l.* Royal Irish Academy. (8.) 300*l.* Royal Hibernian Academy. (9.) 6,500*l.* Royal Dublin Society.

(10.) 4,100*l.* Theological Professors, Belfast.

MR. V. SMITH asked why there was an increase in the present year of 500*l.* in the last vote, and of 1,000*l.* in the vote now proposed?

MR. HAYTER replied that the 500*l.* additional voted for the Royal Dublin Society was for the purpose of completing the conservatories in the botanic garden belonging to it, and for fitting heating apparatus in them. The additional 1,000*l.* for the Belfast institution was occasioned by the retiring allowances made to five professors, and to gratuities to three others. Of course the latter charge would not appear in future years. The reason of this charge was because the Parliamentary grant to the professors of the Belfast institution ceased on the opening of Queen's College in that place.

MR. HUME wished to know why these five professors were not appointed to Queen's College?

SIR W. SOMERVILLE said, that all the former professors that could be appointed to Queen's College, had been named. It was thought only just that some retiring allowance should be made to the remainder.

Vote agreed to.

(11.) 38,569*l.* British Museum New Buildings.

MR. WYLD hoped that some improvements would be made in the reading-room of the British Museum, for every one who had recently visited it must be aware that the accommodation in it was far too small. In addition, any one who visited that apartment at this time of the year, would find it impossible to pursue any studies in a satisfactory manner in it. He would not then go into the question of the catalogue; but he wished to know whether any sum was to be devoted to the arranging and cataloguing modern books, for they had been allowed to accumulate to an enormous excess.

The CHANCELLOR OF THE EXCHEQUER expressed a wish that the discussion on this subject should be postponed until the regular vote for the British Museum came before the House. The present vote only referred to the new building.

MR. WYLD considered that he was perfectly right in bringing this subject forward on the present occasion, as what he had stated showed a want of room in the building. That was also the excuse made for the modern books in the Museum not having been registered and catalogued. Those who visited the reading-room could not get any book which had been published within the last three years. If any of the attendants were asked why such books could not be procured, the reply was, that there was no room in the establishment for placing them in a situation to suit the public convenience. He wished to know whether it was intended to appropriate any portion of the new wings to the reception of new works?

The CHANCELLOR OF THE EXCHEQUER said, it would be much more convenient if the hon. Gentleman would allow the invariable practice to be pursued in regard to this vote. His right hon. Friend the Member for Tamworth, whose absence he most deeply regretted, but who, he hoped, would be able in a few days to be again present with them, was in the habit of annually bringing forward this vote, and of entering into a systematic and detailed explanation of all that related to the management of the British Museum. There being no hon. Member present who was connected with the British Museum—[*Here the right hon. Gentleman had his attention directed to the presence of Sir R. Inglis.*] He did not observe his hon. Friend the Member for the University of Oxford; but still he thought a fitter occasion would occur for this discussion, when he trusted, after a few days, the right hon. Gentleman the Member for Tamworth would be able to make his usual statement to the House.

MR. WYLD considered that the discussion was properly raised on this vote, for one of the items in it was for building a new room at the north-east angle of the Museum, with a staircase up to the printed book department for the reception and registration of books.

SIR D. DUNDAS thought that he could give a satisfactory explanation. Instead of the books being registered in the secre-

tary's office, as was formerly the case, that duty was transferred to the printed books department, and some delay was occasioned in the first instance. That duty was to be performed under the superintendence of M. Panizzi; and it was certainly much better that the register should be placed under his control, than any other officer of the Museum. With regard to the reading-room, certain arrangements are in the course of being made since the report of the commissioners, with the view of giving the public more accommodation in that place than they have hitherto enjoyed. It had been clearly shown, in the evidence given before the commissioners, that in no reading-room connected with any public library in the world was there so much accommodation afforded, and where so many books were allowed to a reader at one time, as was the case in the reading-room of the British Museum. Indeed, there was no place in which so many advantages were given to the common reader.

SIR R. H. INGLIS felt, after the able explanation just given, that it was unnecessary for him to say more than a few words. When Her Majesty's Government a few years ago proposed to grant 10,000*l.* a year to supply the hiatus which existed in the department of printed books in the British Museum, it was not considered that there would be such an accumulation as would require additional buildings. The trustees had represented this to Her Majesty's Government, and he trusted that his right hon. Friend the Chancellor of the Exchequer would not turn a deaf ear to the application, and that a grant would be made for this purpose, as well as for affording better accommodation in the reading-room. At present there was accommodation for only 250 persons in the reading-room.

SIR H. VERNEY had often applied in the reading-room of the Museum for very common books without success. He would strongly urge upon the Committee the propriety of insisting that a new common finding catalogue should be at once prepared.

MR. HUME said, that although there might be more accommodation in the British Museum than there was in foreign public libraries, still there was not one-half of what the public had a right to expect. He perfectly agreed with the suggestion of the hon. Baronet who spoke last *as to the preparation of a catalogue.* It

was well known that M. Panizzi had been proceeding for years with a catalogue, which, at the rate it had hitherto advanced, might possibly be finished about the year 1895. He wished to know whether any determination had been come to as to printing the Appendix to the Report of the Commissioners? There was much anxiety on this point, and the cost of printing it would be comparatively little, as the chief expense had already been incurred by setting the types.

LORD SEYMOUR believed about 100 copies of the Appendix to the Report had been printed, and any hon. Member wishing to have a copy could obtain it by making application.

MR. F. MAULE said, that the task of forming an adequate catalogue of such a library as that in the British Museum, was of a much more serious nature than hon. Gentlemen seemed to think. The task was one of the greatest difficulty, and required the most unwearied attention. No man could have exerted himself with more unremitting labour in proceeding with the catalogue than his estimable friend, Mr. Panizzi; and the British public were deeply indebted to that gentleman for the manner in which he had conducted the department under his superintendence.

SIR R. H. INGLIS said, the trustees of the Museum were most anxious to have the best catalogue of the Museum library that they could have within a given period.

SIR D. DUNDAS said, that Mr. Panizzi was a man of the very highest attainments, and no man could discharge the duties of his office more effectively than that gentleman did. He thought it right to say thus much, as the name of that gentleman had been most improperly used on other occasions as to things in the Museum with which he had nothing to do. He (Sir D. Dundas) admitted they might have a new-finding catalogue, similar to that of Sir H. Ellis, in a comparatively short time; but the object was to obtain as complete a publication as possible. They wished to have the work well done, so that it would live in all ages; and when they looked to the extent of the library of the British Museum, no reasonable man could expect that it could be completed in a short time.

SIR H. VERNEY thought the suggestion which he had made was of so great importance that he wished to elicit from the House some expression of opinion that steps should be taken as soon as possible

for the formation of a common finding catalogue.

MR. WYLD believed Mr. Panizzi to be a clever man, but still there was great ground of complaint with respect to the printed book department. There were at present 40,000 books which had been published within the last three years in the Museum, which were not catalogued, and therefore were not accessible to the public. The difficulty of forming a common catalogue was greatly exaggerated. Every mercantile man knew that at Lloyd's it often happened that five hundred ships arrived in one day, and three clerks regularly registered them. He believed, if five additional clerks, with salaries of from 70*l.* to 80*l.* a year, were engaged for the purpose at the Museum, that the task would be readily and effectively executed. Those five clerks would catalogue 250 a day, which would give 1,500 a week, 6,000 a month, and 72,000 a year.

MR. EWART wished to know whether any steps had been taken with the view of opening the library of the Museum in the evening? There were large classes who could only attend at that period of the day.

SIR D. DUNDAS said, the matter was under consideration. It must be obvious, however, that some risk of accidents from fire would be incurred.

MR. EWART said, that M. Guizot, in his evidence before the British Museum Commissioners, stated that the libraries at Paris of St. Genevieve—those at Amiens, and Rouen, were open in the evenings. The system of lighting buildings in England was more advanced than that on the Continent, and he conceived the Museum library could be opened after dark without incurring the least risk.

LORD SEYMOUR vindicated the conduct of the trustees in imposing salutary restrictions on the privileges of admission. There was no respectable person who could not get in. The Library at St. Genevieve, to which allusion had been made by the hon. Member for Dumfries as a model institution, was the scene of the most scandalous excesses, because no such restrictions were imposed as were adopted in the British Museum, and the mob had access at all hours.

MR. EWART explained. He had not held up the library in question as a model institution. He had merely instanced it as an institution which was lighted at night without injury to the books.

MR. STANFORD complained of the restrictions existing upon the admission of persons to the library of the Museum. He himself had once applied as a Master of Arts of Cambridge University and a member of Lincoln's Inn for a ticket of admission, and in reply was refused the ticket, but referred to a list of persons with which he was furnished. That was one instance, and doubtless there were hundreds of other similar ones. Unless the reading-room were too small to contain the applicants, such restrictions were impolitic, and unworthy the liberal character of the institution.

Vote agreed to.

(12.) 3,050*l.* British Museum Purchases.

MR. HUME hoped that Government would make no purchases until all the other purchases were properly arranged. He did not object to Layard's collection; but various collections were not yet classed and properly arranged.

SIR R. H. INGLIS said, that the Government of France had prepared an expedition the moment the discoveries had been made in Mesopotamia. We had suffered the great discoveries of Layard to remain on the strand at Bussorah till they sunk in the mud, and after all they were to be removed by freighting a small merchantman. The example of France might usefully be adopted by the Government.

THE CHANCELLOR OF THE EXCHEQUER said, that the collection of coins and other antiquities which had been recently purchased, had been offered at a price so exceedingly reasonable that the Government had thought it right to procure them at once, lest so favourable an opportunity might not again occur. The coins were in the most beautiful order, and were the most curious collection in the empire.

Vote agreed to.

(13.) 1,500*l.*, National Gallery.

MR. SLANEY said, that during his visits to the National Gallery lately, he had observed that the rooms were not unfrequently crowded by idle persons, who brought children there with them, cracked nuts, and wore jackets which smelt of smoke and dirt. These persons stretched themselves luxuriously on the benches, and seemed to have gone in there merely for the purpose of sheltering themselves from the excessive heat of the sun. Now, he did not wish to make a grievance of this; he was always delighted to see the humbler classes in such places; but he certainly did think that an evil resulted from the indis-

criminate and unrestricted admission at all seasons of such persons as those to whom he had alluded. Ladies and gentlemen, and persons who were capable of appreciating the valuable and interesting pictures, were excluded in consequence of the continual presence of such individuals. He would not propose that the gallery should be less frequently open in the week than it was at present. He would still have it open four days in the week; but he certainly thought that it would be very judicious to make arrangements that upon one day, and upon one day only, there should be a charge of 6d. for admission, in order to afford ladies an opportunity for visiting the gallery.

Vote agreed to.

(14.) 19,000*l.*, Geological Survey and Museum of Practical Geology.

(15.) 2,696*l.*, Scientific Works and Experiments.

10,000*l.* was then proposed towards defraying the expense of erecting on the Earthen Mound, in the city of Edinburgh, buildings for a national gallery and other purposes connected therewith, and with the promotion of fine arts in Scotland.

Mr. BRIGHT said, that he had been in Edinburgh on several occasions, and he doubted, from the appearance of the city, whether it was at all necessary that the public funds should be voted for this purpose. Manchester, Leeds, and Birmingham, might make far greater claims for a vote of this nature. There was no city in which there were so many public monuments in every street; there were statues of warriors and poets. If the people considered objects of this nature so necessary, they could subscribe for them. Something might be said for the public buildings in this metropolis, which were the property of the whole kingdom, and to which the whole kingdom had direct access, but he took the present to be a proposition to vote 25,000*l.* to individual societies.

Mr. V. SMITH considered that the vote had been produced in a very loose manner. 10,000*l.* was proposed to be voted in the present Session, leaving 15,000*l.* to be provided in future years, and it was not stated what proportion was to be contributed by Edinburgh.

Mr. HUME understood this to be a building for a national gallery for the public exhibition of works in the fine arts, and also a school for the fine arts, which was now inadequately provided for. He had *not seen the plans*, but he understood they

were not more than were sufficient for the metropolis. There was a rising school of the fine arts in Edinburgh, and the artists had shown considerable talent.

Mr. B. OSBORNE was afraid that the vision of the hon. Member for Montrose was somewhat hazy when he looked back on the other side of the Tweed. After what had been said by the right hon. Member for Northampton, this was a vote which came so completely by surprise, that he had expected that the hon. Member for Montrose would have moved that it should be negatived, and he should have given him his support. He thought at least that they ought to have the vote postponed until they had the correspondence, and therefore he moved that the vote be postponed.

SIR W. G. CRAIG said, that the school in Scotland had produced Wilkie and other artists. The whole expense would be 40,000*l.*

Mr. BRIGHT did not think the explanation was at all satisfactory, because 25,000*l.* was to be given out of the public funds. There were exhibitions in Manchester, but he was not aware that in any case they had come to Parliament for a vote. There could be no justice in giving to the city of Edinburgh a sum of 25,000*l.* for an object in which the rest of the country had no interest. The House was voting entirely in the dark; the note appended to the vote gave no information whatever. This money might be applied to half a dozen objects over which the House had no control whatever.

The CHANCELLOR OF THE EXCHEQUER thought it fair that some distinction should be made in favour of London, Edinburgh, and Dublin, in preference to other towns.

COLONEL SIBTHORP thought that in dealing with the public money they should be just before being generous.

Mr. COWAN considered that the Scotch artists were, in every way, worthy of consideration and patronage, and he therefore hoped the vote would be passed.

Mr. B. OSBORNE should protest against the vote, unless the plan and correspondence were laid on the table, otherwise he should divide the House.

The CHANCELLOR OF THE EXCHEQUER said, he would withdraw the vote at present.

Vote withdrawn.

(16.) 4,049*l.* Bermudas.

Vote agreed to.

Resolutions to be reported To-morrow.

House resumed.

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, July 2, 1850.

MINUTES.] PUBLIC BILLS.—1st Upton and Chak-
vey Marriages Validity.
2nd Law of Copyright of Design Amendment.

EDUCATION.

The EARL of HARROWBY rose to move the appointment of a Select Committee to inquire into the operation and effect of the system under which the annual grant of public money for the purposes of Education is administered. The noble Earl was understood to say, that in bringing forward this question he should refer only to the leading points in connexion with the subject, avoiding going into detail; but he hoped, by the statements which he would be enabled to submit to their Lordships, to induce them to grant the Committee the appointment of which he had now to move. The great question of Education had, at various times, received the attention of that and the other House of Parliament for some years past; and the actual condition of the country with regard to education had been proved by a series of inquiries to be such as required every contribution from public and private sources that could possibly be obtained. When this discovery was first made, numerous suggestions were thrown out as to the best mode of meeting and providing for the necessity. There were persons, in the first instance, who, seeing the difficulties which stood in the way of establishing a system of religious education under the auspices of the State, such as would meet the particular circumstances of the country, divided as it was into so many religious persuasions, were inclined to throw aside altogether the element of religion as an essential ingredient of State education, and advocated either an education purely secular, leaving it entirely to the ministers of the religious bodies to which the parents of the children belonged to supply religious instruction, or to contrive some great neutral formula of religious teaching which might be useful to all, and offensive to none. These proposals, and the attempts to carry them out, had, from time to time, engrossed

the public attention; and it was important to observe, that whenever they had been submitted to public investigation, they had both of them met with almost universal reprobation. He thought it had been most satisfactorily proved that there was only one practical mode by which the national want in regard to education could be met, and that was by admitting the religious principle in education, relying on the religious bodies into which the country was divided. The nation did not profess to give education itself, but to perform the work of education with the aid of pecuniary assistance from the State, through the great religious bodies. It contributed liberally towards that object; and he must say, that in his judgment this was the only principle that could be successfully carried out. He believed that the country generally had arrived at this conclusion, and also that to attempt to separate education altogether from religion was perfectly impossible; that education—the training of the man—was inseparable from religion, and that therefore the two could never be disjoined. The mind of the country was made up on this point, and therefore there need be no further question on the subject; indeed, the reception that a proposal to establish a system of merely secular education lately met with in another place, made it perfectly clear that public opinion was decidedly adverse to any system of education that was not based upon religion. The other alternative of endeavouring to obtain something that would be distasteful to nobody, while it would be useful in some degree to all, was an experiment equally futile with the first. It was perfectly evident that if they wished education to have any effect on the mind, it must be in the hands of men deeply convinced of the truth of what they were called upon to teach; and if they attempted to put it into the hands of those who were constantly afraid lest they should overstep the limits prescribed for them—who were ever anxious lest they should intemperate that which was not permitted—they would, perhaps, have men of much discretion, but they could excite very little zeal in the great business of educating the young, and without zeal no mode of education could be successful. It was clear, therefore, that the system of educating the country through the different religious bodies was the only one that the people of this country were prepared to accept; but it was at the same time manifest that the part which the State took in this

important matter should not be partially or unfairly discharged: that the State should carry out the principle fairly and fully, that it should trust implicitly in those whom it professed to aid, allowing each community to apply the principle without fetter, scruple, or limit, and giving full scope to the development of the religious energies of those who were embarked in the great work of education. And he now came to a point which of late had attracted an unusual degree of public attention. A few years ago, when the Government had evinced a desire to take a part in promoting the education of the people, a communication was opened with the National Society, with the view, if possible, of coming to some arrangement connected with the management of the Church of England schools. The National Society and the late Primate were exceedingly desirous to come to a good understanding with the Government, and to adopt some common ground on which both parties could meet. He would not enter into the details of the correspondence which took place; but the result was, that the National Society found it impossible to go on with the management clauses which the Committee of Privy Council on Education insisted upon. The principles laid down by the Government he complained of as a complete departure from the system of encouraging the religious bodies to promote the education of the people: it became gradually converted into a system of compulsion which was inimical to the principle proposed to be carried out, and was an entire departure from that offer of encouragement to religious bodies which was understood to be the basis of the arrangement. The Government insisted that Committees of Management should be thrust upon the Church of England schools, without the consent of the parties who had the management, and refused to assist in the building of those schools where the clergy insisted on retaining the sole management. Of course there were possible cases of bad constitutions in the case of schools, which no one would expect the Government to carry out; but the existence of such cases could not operate as a reason for requiring those checks and restrictions which the Government wished so stringently to enforce. He thought that in the matter of education they should look leniently even on the crotchets of those who liberally contributed their money for its advancement. The Government having adopted

the principle of working through the zeal of other parties in order to educate the people, it was highly objectionable to adopt a course which tended to limit the exercise of that zeal. The policy of the Government had, in this respect, caused much dissatisfaction; and he should like, therefore, to give the parties who complained an opportunity of coming forward to state what they wished to be done. He was anxious that persons of great experience and knowledge should be allowed to appear and state the nature of their complaints, not in the arena of that House, but where their communications could receive more careful and minute consideration — before a Committee appointed to inquire into the whole system now in operation. There was another point which he thought could be strongly urged in favour of inquiry. They were professedly pursuing the present system as an experiment, and, as the reports of the inspectors year by year showed, they were introducing frequent changes. They had inspectors abandoning some opinions which they had originally expressed, and of this he was certainly far from complaining. But was it not of the greatest importance that they should have an opportunity of examining those inspectors, in order that they might have before them the result of their experience, and learn what their views were as to the best mode of carrying out the scheme on which they had entered? It must be remembered that the inspection was not confined to the schools of the National Society and of the British and Foreign School Society, but extended to the Wesleyan, Roman Catholic, and other schools receiving assistance from the Education Committee of the Privy Council. This power of inspection was a very delicate one; it was an irresponsible power; and it was no wonder, therefore, that, with the best intentions on the part of the inspectors, it had excited some jealousy, and given some offence. A Committee could not fail to obtain some useful facts relative to the present system of inspection, and whether it was so managed as really to be working out the object in view. Parliament ought also to know what kind of education it was voting money to promote. Now, what was the sort of instruction they were providing, and what were the qualifications of the schoolmasters to whom were to be intrusted the teaching of the children of the labouring classes? The inspectors told them every year the com-

plaint was, that the time was more and more limited during which the children attended school—that they were more frequently kept from school when they could be made useful at home—and that they left school earlier. The greater part of the pupils were, indeed, children of the labouring classes, who went early to labour, and who had therefore very little time in which to acquire all the elements of primary scholarship they were ever likely to obtain. Now, let their Lordships examine the qualifications required from the schoolmaster, and the result. One inspector stated that within his district there were seven young schoolmasters who had either already entered, or were about to enter, into holy orders, and he regretted the loss which their schools were likely to sustain thereby. Now, was it not a proof that they were raising the standard of their qualifications too high when this was taking place? The fact was, they were attempting to give the children in these schools too ambitious an education, and the result was showing itself in the objections of the middle classes. The country farmers and the country tradesmen were, in many places, doing all they could to obstruct these schools, and one reason was because they saw that the education of the children of the labouring classes was to be carried to a greater extent than they were able to procure for their own children. The children of the labouring classes were gradually supplanting the children of the small farmers and tradesmen in situations hitherto reserved for the latter—such as apprenticeships to grocers, and the like; and these middle classes complained that their children were being displaced by those who were getting, at the expense of the State, a better education than they could procure for their own children. Now, their Lordships ought to have an opportunity of investigating these complaints, and seeing whether they were well founded or not. With regard to the female schools, these objections of the unfitness of the education given, more especially applied. These young women were asked, in one of the examination papers, to say how much rain fell in Europe at different seasons. They were requested to “describe the difference between endogenous and exogenous plants, both in appearance and internal structure.” He wondered what reply some of their Lordships would make to these questions. In another question they were asked, “What do you mean

by quadrumanous animals?” In another, these young women were required to give an account of the chief writers in the Anglo-Saxon language, and also to give some account of the chief literary productions in that language. Then they were asked to say in what respect the English language differed from the Anglo-Saxon, and to describe the changes which had taken place in it from the time of the battle of Hastings up to the reign of Elizabeth. Now, what a series of books must not these young women read before they could be entitled to express opinions upon these subjects? He believed that what they would obtain by such questions would be a little superficial gabble, and that they would leave the mind not only uninformed upon these points, but worse than ignorant. He did not know what answers were given to these queries, but there were some curious replies to questions upon chronological events given by some of the pupil-teachers in another part of the volume. The result of so wide an examination would be that the schoolmasters, instead of having a thorough acquaintance with three, four, or five subjects of learning, would have their knowledge beaten out very thin indeed, over a wide surface of fifteen or sixteen topics. They would try to whip up their memories so as to enable them to pass these examinations. The schoolmasters would get up a smattering of French, of German, and of Greek; and the Privy Council would be, in fact, giving a superficial character to their training instead of thoroughly grounding them in those subjects which they ought most especially to know. He should like to hear from the inspectors and from the parochial clergymen whether the present mode of examination of schoolmasters and schoolmistresses was desirable, because it appeared to him that the inspectors themselves were shrinking from their work, and were beginning to see that, instead of giving out so many things to be learned during the two or three years in which the schoolmasters and schoolmistresses were in training, it would be better to limit the examination to a few points which they might insist upon the teachers thoroughly mastering. But, as long as they offered prizes and pecuniary rewards for these accomplishments, the managers of training schools would try to obtain them. He had no objection to the possession of these accomplishments by schoolmasters; but let

them be obtained by the love of learning, and not by stimulating men to learn Latin and Greek when they had to teach a set of children who were for so short a time at school. He believed that the inspectors had been of essential service in the suggestions they had been able to make. They were men of great weight, and of the highest character, and they would render a service in going about the country and visiting the schools, even if they confined themselves to pointing out the mistakes that were made. They were, too, not only men of the highest character, but also of the best intentions, and they were desirous of advancing the best interests of the country; but the power they exercised was one which, being of an irresponsible character, must necessarily give rise to objections to its exercise. He thought, too, there was a tendency on their part in dealing with individual masters to communicate with them in a manner which encouraged the notion that the masters were the servants of the State, rather than of the local committees who supported their schools. Now, he did not want to establish schoolmasters as the servants of the State, because if they created the feeling on their part that they stood in that position, they would be in danger of losing that humility which was so desirable in them. The tendency of the system of inspection was to centralise everything connected with the education of the country, and to destroy everything like local influence and control. The results which such a system had produced on the Continent, as proved by the events of the last two years, ought to be a warning to the Government and to their Lordships, how they permitted a similar system to take root in England. He warned them to beware lest they turned out year by year from the chrysalis state hundreds of full-blown schoolmasters with wits sharpened, knowledge extended, and character perhaps not improved from the discipline they were subjected to, to become, probably, preachers of discontent throughout the country. He did not ask for a Committee with a hostile view, but merely for the purpose of inquiry, in order that amendment might be made if amendment was required; that if what he had stated was exaggerated it might be reduced to its proper amount; if anything that was false, that it might be rectified and corrected. The noble Earl then complained of the system pursued by the Committee

of Council with respect to the education of children in workhouses and gaols. He was inclined to disapprove of the system by which young men were subjected to a seven years' training as schoolmasters, on the ground that sufficiently qualified persons might easily be obtained. He meant not to raise opposition to the proceedings of the Government at every step, but he thought it necessary that this matter should be inquired into, and he therefore asked for a Committee. Should the inquiry not be completed this Session, it would be desirable that the publication of the evidence should be suspended till the investigation was complete. It was most essential, in the work of education, to have the good will of the clergy; their pecuniary means were of little consequence compared with their personal labour and superintendence; and yet he knew cases of curates on 60*l.* or 70*l.* a year contributing to the funds of the schools, while rich squires and country gentlemen gave nothing. They might depend on it that if they engaged the sympathy and goodwill of the Church, they might make a substantial movement in favour of education; but without it they could do nothing. He hoped their Lordships would grant the Committee, for no one could deny that the present state of things was one which ought to be investigated; and in that hope he would conclude by moving the resolution.

The Motion having been seconded,

The MARQUESS of LANSDOWNE said he was conscious, from the nature of the subject, and from the great many points of difficulty which it embraced, of the impossibility of treating it otherwise than in a somewhat desultory manner. His noble Friend had brought the subject forward in a tone highly commendable, suitable to the nature of the occasion, and one of which he, of all men, had the least reason to complain. The noble Earl had estimated, and not estimated too highly, all the difficulties attendant on this important subject. Without having occupied the situation which he (the Marquess of Lansdowne) filled, it was hardly possible to know all the difficulties arising from the subject. He must disclaim the authority which had been attributed to him by the noble Earl; for he shared that authority with others, whose assistance he had sought, and should always continue to seek, on all occasions of pressing importance. While he disclaimed altogether

being an autocrat in the administration of the system, and in the management and control of the schools, he must, at the same time, observe, that unless there was some one, however unwilling—and he confessed himself to be the most unwilling person in the world—to exercise a large control and authority from week to week and from day to day, the whole machinery of inspection and administration would be at once suspended and put an end to. That system had largely grown; it was not from the wish of the Government to extend it, but because the utility of the system had been so felt that the visits of the inspectors had been called for by those having the management of schools. To the honour of the inspectors, some of whom he had recommended, after most careful inquiry, he would state that, up to this moment, there had been hardly a single complaint as to their conduct. One or two, indeed, there had been, but they were of a very trifling nature and easily explained; in the main, they had had the good fortune to find favour in the eyes of those with whom they had been in communication, and he could produce letters without end from clergymen with whom he had no acquaintance, thanking him for the share which they supposed he had had in the appointment of particular inspectors to whom they stated themselves to be deeply indebted. The noble Earl had alluded to a supposed disposition on the part of inspectors to push their examination to a degree higher than the nature of the subject, or the situation and character of the class, warranted. Without denying that this was a matter which required attention, he would observe that there was much more to be said for these high examinations than the noble Earl perhaps was aware of—more than he (the Marquess of Lansdowne) was aware of, until he came to sift the cases in which complaints were made. Inspectors who were men of education, and acquirements, and reputation, would naturally be disposed to raise the standard higher than the case might easily admit; but upon minute inquiry he had received this explanation, which he believed was generally applicable, that although they felt it to be their duty to take the books they found in use in the schools, and to ask the hardest questions out of those books, as an intellectual exercise, it did not at all follow that the report upon the merits of the individuals examined was founded upon the answers

to those questions. This formed only one element of the inquiry by the inspectors; and if there was anything he had been most anxiously desirous of impressing upon them in his communications with them, it had been, that, whatever might be the amount of intellectual qualifications which they thought it their duty to seek for in the pupils and the children, it was not in reference to those intellectual qualifications taken alone that they were to establish their standard of merit. They had been instructed again and again, that general good moral and religious conduct, as collected from the representations of the masters and clergyman, and more particularly the clergyman in all questions of religious conduct, was to be made one great element in their report, as entitling applicants to pecuniary rewards, and as the foundation of representations of fitness for being intrusted with the charge of schools. To enable the Committee of Council to take care that due weight was allotted to moral conduct and religious character, there was in the certificates of merit brought before them in the reports transmitted by the local committees, a column specially assigned to these as distinguished from any other qualifications. To take a particular case: a clergyman of Lancashire, who had participated in the public bounty largely, had made complaints of the examination; he complained of the questions put by the inspector—a gentleman appointed by the late Lord Wharcliffe, who in his selection of that gentleman—Mr. Cook—did a great service to the cause of education. Mr. Cook's explanation was this, that though the questions he put were rather hard, he found them in the books in use in the school in which the examination took place, and which he naturally took as standards of intellectual qualification, but that the persons who failed to answer those hard questions, had also shown their utter incapacity to meet ordinary and common questions. He (the Marquess of Lansdowne) could not quite go the lengths to which the noble Earl went with regard to these difficult questions. No doubt it would be a gross and impracticable absurdity to endeavour to raise the whole mass of the people of this country at once to a very high standard of intellectual acquirement, and to make the sons of cottagers, and labourers, or small farmers mathematicians, naturalists, and historians; but he could not go the length of saying that no test of this sort should be

applied, or no opportunity afforded for developing genius like that of Faraday ; for instance, where it was found in a plough-boy. It was surely the duty of an inspector, where he saw anything like genius, to develop it. Some of the inspectors agreed with him (the Marquess of Lansdowne), that in some instances the course to which he had been alluding had been carried rather too far ; and it was his desire to frame such a scheme of examination, especially of schoolmistresses as should not be liable to the objection, and should include an inquiry into what might be called their household qualifications. He had selected the same Mr. Cook for preparing such a scheme, for there was no one more capable of bringing it into a definite and practicable form. Now, with regard to the jealousies which the noble Earl said this system of education had generated, perhaps the noble Earl might be disposed somewhat to overrate the extent of the objections felt to it ; and he (the Marquess of Lansdowne) might be disposed to overrate the approbation it had received. He had had from clergymen in all parts of the country testimony of the benefit they had derived from it ; and since—he would not say the disunion, but the interruption of the harmony which he had hoped might exist between the National Society and the Council, and since all communication had ceased—which was not many months ago—the Council had had a hundred applications for assistance from clergymen, who were willing to take the “management clauses.” Those clauses had their origin in the proceedings and transactions of the National Society ; with one exception, if they had been altered, it was to meet in a conciliatory spirit objections that had been made. But undoubtedly there was a clause which was meant to apply to the case of there being no person but the clergyman, or hardly any, capable of attending to the business of the school, and in that case he was the sole judge, not only with regard to temporal, but spiritual matters ; but it was required that a case should be made out to justify that exception, and that was the gravamen of the complaint. The whole of the “Minutes” implied a contradiction of the supposition that the clergyman was not to be—as he ought to be—supreme in all religious matters in all cases ; he and his curate were necessarily, by the arrangements of the Council, members of the committee, intrusted with all control in religious matters ; but the Council did apprehend that

it was not the intention of Parliament in granting the vote for education to vest the entire control of all matters, temporal as well as spiritual, in any case assisted by the public money, in the hands of the clergymen, as opposed to the lay members of his own Church. It had been required in some instances that in all matters—temporal, not merely religious—where the lay subscribers, being communicants of the Church of England, differed from the clergyman, the clergyman’s opinion should be considered that of the majority when he was in a minority of one, if sanctioned by the bishop. The Council did not consider this to be within the scope of the grant. If any such special authority was given to the clergyman in the Church of England in temporal matters, it must be equally allowed to the Catholic priest, and to the Dissenting minister. But the intention was not to place this grant in the hands of the ministers of religion. It was intended, undoubtedly, to secure their co-operation in the most important of all concerns, namely, spiritual concerns ; and that co-operation had been carefully provided for in every act of the Committee. The noble Earl had adverted to the jealousy which had arisen, and had alluded to the Wesleyans—a body acknowledged to be distinguished by great zeal, and much attached to their religious opinions ; and in the first instance they expressed great jealousy, which it was in the very nature of a Dissenting body to entertain, of the interference of the State in their schools by inspection or otherwise. But after communications with them, and explanations of the nature of the inspection—that the inspector would be (if he could not always be one of their own creed) a member of some Dissenting communion, and one who should not inspire them with any want of confidence, and that he was not to interfere with their religious teaching—the result was, that that body were now perfectly contented, and receiving assistance from the Privy Council without the slightest apprehension that they were interfered with, or likely to be interfered with. There had been a notion that the Church of England was placed at some disadvantage with respect to the conditions on which the grants were made. But there was a perfect uniformity in the application of their rules by the Council to the Church of England and to other communions. As far as it was possible, the form of application and of grant was in the same words in

their case as in that of the Dissenters, and the difference was only in certain words relating to the form of church government, for where a sect had no bishop or no elder, that word could not, of course, be used. The principles which the Privy Council had adopted had been singularly favourable to the Church of England. Two principles had been contended for in the administration of the funds: the one that the distribution should be according to population; the other that it should be regulated by the contribution of the parties requiring assistance. The Committee of Privy Council had adopted the latter principle, which he thought the noble Earl must admit was singularly advantageous to the Church of England. He held in his hand a paper stating the proportions in which the grants had been distributed. He (the Marquess of Lansdowne) did not know what proportion of the population might be taken to be Dissenters, but he supposed about one-third. [The Bishop of OXFORD was understood to say that the proportion of Dissenters was about one-eighth of the population.] He (the Marquess of Lansdowne) begged, however, to state what was the proportion of grants apportioned to schools of the Church of England. Between the 1st of January, 1848, and the 13th of June, 1850, 689 schools had been assisted, and of these 533 were Church of England schools. That fact showed, at all events, that no disfavour had been shown to the Church of England. He might further state that of the schools to which assistance had been given for providing maps, school books, and articles of that description, no less than eighty per cent had been Church schools. He certainly thought that arguments and reasons might be urged, as they had been urged elsewhere, in favour of adopting the principle of population in the distribution of the grants, upon the ground that the population connected with the Church of England was the richest, and that the Dissenting population was the poorest. He could read to their Lordships, if it was necessary, the testimony of a number of eminent and distinguished clergymen, who had expressed to the Privy Council their approval of, and gratitude for, the measures they had adopted. In one case a meeting of clergymen had been convened for the purpose of petitioning against the system adopted by the Privy Council; but, after hearing that system fully explained,

seventeen out of nineteen clergymen present at the meeting subscribed to a declaration expressing their perfect satisfaction with the system, and their desire for its continuance. He might read to their Lordships the opinion on this subject of a very eminent divine, a clergyman of high character — Archdeacon Hare. [The noble Marquess read some extracts from a charge delivered by Archdeacon Hare to the clergy of Sussex, in which he stated that in the correspondence that had taken place between the Committee of the National Society and the Committee of the Privy Council for Education, the latter had shown such a conciliatory spirit, and such readiness to modify whatever was objected to in their system, as to afford ground for hoping that all real difficulties would soon be removed. After describing the points upon which differences had arisen as comparatively unimportant, the venerable Archdeacon went on to say, that it might be urged that the Privy Council ought to have conceded those points; but, in his opinion, it was not seemly for a body representing the Government to alter their rules and regulations, unless there was plain ground for doing so, nor ought the Committee of Privy Council to be required to take a step of that kind unless such grounds could be shown to exist.] He (the Marquess of Lansdowne) held it of importance to secure the co-operation of laymen, so far as it could be obtained, by inviting them to a share in the management, at least, of all temporal matters relating to the schools, and that was all that was intended by the "management clause," which had occasioned so much discussion. He could see nothing objectionable in such a measure. He believed that, day by day, people were becoming more sensible of the value of the particular system of inspection that had been established; and the inspectors had been invited again and again to take a more active part even than they were disposed to do, by giving advice and assistance, relating to the administration of schools. The only blame that he thought could be even colourably cast upon some of the inspectors was, that, perhaps, of pushing the extent of their examinations too far. They had heard of the singular questions put by some of the inspectors on the subject of chronology, and on that point he might mention an incident which occurred to him many years ago. Between twenty and thirty years since, when education had not made much way in the coun-

try, he was benighted on Salisbury Plain, and at the village inn at which he stopped for the night he inquired if they had any books. He was told that they had one book which was in use at the village school, and he found it was a chronological account of the remarkable events which had occurred since the creation of the world, with the names of the mayors of Salisbury, and a specification of the mayoralties in which the events had occurred. He thought, therefore, that a little general and historical knowledge disseminated in schools would be found useful. He was as desirous as the noble Earl to see a full and searching inquiry; but at that period of the Session it was impossible that a full and searching inquiry could be instituted on this subject. Any inquiry they might make by a Committee could only be partial, and could lead to no practical result; and he felt it his duty, therefore, however reluctantly, to object to the appointment of a Committee. He would not, however, object to an inquiry at a period of the year when full justice could be done to the subject, and when the other House of Parliament, with whom the grants originated, might contemporaneously institute a similar investigation; for it must not be supposed that an inquiry by their Lordships' House would produce any effect upon the amount of the grants, or their allocation, unless some decision on the subject was pronounced elsewhere. He would therefore recommend the noble Earl to bring forward his Motion at the commencement of the Session; and he could only say that if, while Parliament was sitting, or during the recess, the noble Earl wished any minutes or documents relating to the proceedings of the Committee of Privy Council to be produced, his wish should be complied with. That, he thought, would fully meet the noble Earl's object. Any documents that were required, and that were not already on the table, should be supplied within forty-eight hours; and, as he thought that course would be satisfactory to the public, and was calculated to allay all apprehension, he earnestly entreated their Lordships not to assent to the appointment of a Committee at this late period of the Session. He thought no very great importance could be attached to this subject at present by the Established Church, for he observed that the most rev. Prelate at the head of that Church was not present; and, if that most rev. Prelate had considered the question of paramount importance, it could not be

doubted that he would have been in attendance. He believed that no apprehension existed, on the part of the Established Church, on this subject to the extent that had been stated. An allusion had been made to the institution established at Kneller-hall, for educating masters for workhouse schools. A grant of money had been voted by the other House for that establishment, which was under the authority of a clergyman of the Church of England, a gentleman respected by all who knew him, the tutor of a college at Oxford, and who had been selected for the office on account of his great zeal in the cause of education, as well as for his other qualifications. There was not, he believed, one pupil at Kneller-hall, which had been only recently opened, who did not regularly attend all the services of the Church. Now he admitted it was not right to exclude from an establishment formed to provide schoolmasters for workhouses, which contained among their inmates—especially in great manufacturing towns—persons of different religious persuasions, and from an establishment supported by a grant of money voted by Parliament, which represented all persuasions and classes, those Dissenters who were willing to place themselves under such a master, and to become inmates of a school so conducted; and he saw no objection to their admission to that institution. He had no desire to shirk inquiry on this subject; but, as he wished any inquiry that might be instituted to be full and complete, he begged their Lordships to reject the Motion of the noble Earl.

LORD LYTTTELTON regretted the opposition given by the noble Marquess to the appointment of a Committee, because he believed that an inquiry of this nature would be the only chance of arriving at an amicable and satisfactory conclusion upon this disputed question—for he could assure their Lordships that this was a subject on which the greatest dissatisfaction and difference of opinion existed throughout the country. It was true that very many of the clergy and managers of schools had availed themselves of the assistance offered by Government. They knew that the Government had a long purse, and of all the difficulties that existed with respect to objects of a benevolent character, they knew that there was none greater than the permanent maintenance of schools. It was therefore natural that they should avail themselves of the assistance thus

offered them ; but it did not follow that the persons receiving those grants were altogether satisfied with the arrangements under which the advances were made. On every point of detail, except the compulsory clauses, he thought the proceedings of the Privy Council deserving of approbation; but on the simple ground of expediency, he considered the compulsory imposition of the management clauses upon Church schools the greatest error that could have been committed. The Government could have no wish but to work with the great body of the Church and the clergy in the matter of education. But the principle on which the management clauses was founded, was a decided innovation. The system which was thus broken in upon by the management clauses, after a long and severe contest between the Government and the heads of the Church, was settled, and worked as well as possible for seven or eight years; and he believed every one of the additional improvements might have been grafted upon it without the management clauses. The meddling with the local administration of these schools throughout the country, was entirely repugnant to the feelings of the people, who were opposed to all attempts at centralisation; and the suspicion and jealousy thereby aroused, were a greater obstruction to the improvement of the system of elementary education, than any arrangements that were in force before. The main difference between the Committee of Privy Council and the National Society was the question of whether appeal should be allowed to schools receiving aid from the Government on all matters from the local managers to the bishop of the diocese. He thought the Government wrong in objecting to such provision when the local managers wished for such appeal. But a point of much more importance was, not whether there should be an appeal on all points to the bishop, but whether any system should be recognised which allowed and proceeded on the distinction between what is religious and what is secular. The common opinion was, that, in matters of instruction, what is secular is the great body of instruction, and that what is religious is the exception. But that, he apprehended, was a great mistake. Except in a few of the mere elementary branches of education, there was scarcely one into which religion did not enter. The Roman Catholics, in their controversy with the Government, acceded to the proposal that

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the distinction between what is religious and what is secular should be allowed; but they stood on the point as to who should be the arbitrator, and preserved that to their bishop. In that way the religious safety of the school was perfectly attended to. What the Committee of the National Society first asked for was that the minister should have the moral and religious superintendence of the school. These were the points which required investigation, and called for improvement. One effect of the introduction of the clauses had been to produce a feeling of total insecurity as to the future administration of the education fund; and he feared that it would be long before the mass of the clergy would be induced to restore to the Committee that confidence which previously they had been well disposed to accord, and which was essential to the proper working of any system of education in this country. He did not himself concur in the alleged expediency of having an Act passed strictly to regulate the proceedings of the Committee, conceiving that the end might be attained by having every new resolution of importance submitted by the Committee for the previous sanction of Parliament, as was done with any new rules of importance proposed by the Poor Law Board; but he did not imagine that, while the compulsory clauses were retained, even that provision would at all suffice to restore the confidence in the Committee which the clergy had withdrawn. As to Kneller-hall, it might be a very good school, but one main objection was that the number of schoolmasters whom it was calculated to train quite exceeded any number that could be required for poor-law schools. It was also objected to it that it was entirely under the control of the civil power. The Privy Council had the sole management, and the Church did not appear to be consulted in the arrangement. He hoped their Lordships would give their approval to this moderate measure, and consent to an inquiry, which might afford the materials for the basis of some more satisfactory arrangement.

LORD KINNAIRD thought it would be quite impossible, as was admitted by the noble Earl himself, that a Committee appointed at this late period of the Session should be able to go thoroughly into the question, and examine all the acts and transactions of the Committee of Privy Council. It appeared to him most reasonable and fair that delay should take place,

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the noble Lord the President of the Council having stated that Government would assent to it in another Session of Parliament. He thought the noble Earl should accede to that proposition, otherwise he must consider the noble Earl as taking a very one-sided view of this question, and acting merely as the organ of the National Society on the present occasion. He did not think anything was to be gained by adopting the crotchets of that body, as the system which had prevailed under their management, and to which the noble Earl proposed to revert, was by no means free from abuses, the efficiency of their schools being liable to great objections, and the management exclusively in the hands of clergymen; and he was not surprised that it had been changed, and that the Committee of the Privy Council had declined to continue the grants of public money for its promotion. [The noble Earl here read extracts from the reports of the inspectors to show the imperfect character of the National Schools under the former system.] With regard to the control which was desired on the part of the bishops and clergy, he considered that great concessions had already been made by the Committee of Council on that point, and he did not see how they could well go further with safety, and without abandoning the principle on which the grants were made. Objections had been urged against the clause which referred to the mode of settling any differences which might arise between the Committee of Council and the managers of schools under the National Society; but, for his part, he thought the clause exceedingly fair and equitable. A third crotchet of the National Society was to object to the proviso of the Committee of Council, that no grant should be made to any school unless one-half of the sum required had been previously subscribed by persons connected with the parish in which the school was situated. He considered that this was a most reasonable proviso. It was surely a most desirable object to interest parties connected with the parish in which a school was situated in the welfare of that school; and he thought that this proviso was much more likely to lead to that desirable object than if it were merely left to the National Society to establish schools in any part of the country where they chose, with reference to the feelings of the people among whom they were established. Besides, the National Society were undoubtedly, in a great measure, un-

der the influence of what was called the "High Church party;" and if that party had the power of establishing national schools in every part of the country, they might use their influence with their congregations to induce them to subscribe the necessary funds to enable them to disseminate their peculiar doctrines by means of these schools. The noble Earl who had introduced the Motion, had warned them of the danger of educating the people too highly. He thought he had been well answered in that respect by the noble Marquess the President of the Council, when he said that they ought to try to find out and encourage genius in the lowest as well as in the highest circumstances. The experience of Scotland on this point was particularly encouraging. Many distinguished men, some Members, even, of their Lordships' House, had been educated in the parochial schools of Scotland, and in those schools the examinations, as he had himself witnessed, were somewhat of the description given by the noble Earl. As a proof that an inclination for reading and study did not incapacitate the poor for labour, he would mention the case of two of the most useful of his female domestics, whose favourite books were *Paradise Lost* and *Marmion*. For his part, he was unable to perceive any counterbalancing evils, and did not fear that such would be found. He thought it would save time if noble Lords would go over the documents before them, instead of entering upon a lengthened inquiry. He was surprised to hear that the National Society, and, above all, the clerical members of it, should wish to open the door, with respect to the Government grant for education, so wide as to get rid of all control over these schools, unless through the bishops. [*Cries of "No, no!"*]

The EARL of HARROWBY said, that control was not objected to, but the present mode of exercising it.

LORD KINNAIRD was sure it must be obvious that, if they granted such a concession to the National Society, they must also grant it with respect to those schools of Dissenters which received a portion of the Government money. In some instances such a proceeding must be attended with danger. It appeared that four-fifths of the public money devoted to education went to schools in connexion with the National Society, which was out of all proportion to the relative numbers of Churchmen and Dissenters—because he found that out of a

population of 13,000,000 or 14,000,000, there were 8,400,000 Dissenters. [*Cries of "Oh!"*] His authority was M'Culloch's *Statistical Dictionary*. He admitted that the number might be excessive, but not so much so as some noble Lords and right rev. Prelates might imagine. He hoped the noble Earl would be induced to adopt the advice of the noble Marquess the President of the Council, and defer the appointment of the Committee till another Session. As he could not perceive what advantage could arise from inquiry, he should oppose the Motion.

The BISHOP of SALISBURY was understood to say, that if he thought that by supporting the Motion of the noble Earl he would do anything to defeat or impede the system of education which was now happily established in this country, by the State on the one hand, and the different religious bodies into which this great nation was unhappily divided on the other, he would be sorry to vote for it; but he did not anticipate any such result. He fully recognised the necessity of the State, in dealing with the public funds, adopting the mode of appropriation which had been chosen in the existing system. He assured their Lordships that if he were to do anything which had for its object to impede the present system, he would be doing an act which was very inconsistent on his part; for, although many had exercised a greater measure of ability and influence, none had more earnestly desired, or more constantly endeavoured to promote, harmony and co-operation between the Church and the State on this question, than he had in his own humble sphere. He did not know whether it was in the noble Marquess's recollection or not, but the fact was, that when the first interruption to the harmony between the Church and the State occurred about ten years ago, he took the opportunity of saying to the noble Marquess that it did not appear to him that the causes of that interruption were such as would not admit of a fair and reasonable adjustment; and he requested the noble Marquess to allow him to communicate with the then Archbishop of Canterbury and the Bishop of London on the subject. In consequence of the permission he then obtained from the noble Marquess, he entered into communication with the most rev. Prelate and his right rev. Friend, and the result was a satisfactory settlement of the points in dispute. He would not say that the terms then settled were such as

precluded at any future time such alterations as circumstances might render necessary; but he would say that they were terms which should only have been departed from in the same manner as they were arrived at, namely, upon a full and fair consultation with the parties most interested in them, that they should not have been departed from in the way they had been, silently and imperceptibly, and in a manner which had unavoidably given rise to the wide-spread jealousy which had since pervaded, to a great extent, the minds of a large number of the members of the Church. He did not propose to vindicate in anyway the extremes to which that jealousy had been carried. He by no means shared in the exaggerated apprehensions which were entertained in many quarters; on the contrary, he had endeavoured, as far as possible, to calm and remove them. He was of opinion that if the inquiry now proposed by the noble Earl were acceded to by the Government, it would lead to as favourable a result as the consultation and inquiry at a former period, to which he had referred. The noble Earl who spoke last was mistaken when he spoke of the National Society founding schools all over the country, retaining them under its influence, and determining their character. The National Society had schools all over the country in connexion with it; but they had been founded by parties residing in the localities in which they were placed, and were under the control of local authority. He could not but look upon the system of the National Society, aided by public money, and in connexion with the different religious bodies, as a great experiment. The experiment of inspection had now been practised for a considerable period, and he admitted that it had been attended with considerable advantage; but the changes which had been gradually introduced into it, had given rise to just objections on the part of a large body of persons connected with the Society. In fact, while he admitted that many parts of the system were deserving of approbation, at the same time he thought an inquiry was desirable, and that the whole scheme was susceptible of improvement. With regard to the training schools he could not deny that, in most respects, they were worthy of support; but a feeling of dissatisfaction had been expressed with regard to them, and there was a strong opinion out of doors that they ought to be narrowly watched. There were at present

482 certified teachers of the Church of England Schools, and there were altogether 2,593 pupils in their training schools, who were receiving an education to qualify them as teachers. Many of these received very superior education; and, in some instances, he could not help feeling that it might be carried too far, more especially as regarded females. He had taken great interest in the management of the training school for females connected with his diocese; and he certainly felt a great deal of anxiety as to the effect which the course of training might produce on the excitable female mind. He knew every pupil in this training school, and he knew that nearly all of them were of humble origin—such as the daughters of small tradesmen, agricultural labourers, and similar classes—and most of them had received their previous education in the national schools. The standard for admission to the training schools was, that the party applying should be able to read and write, be acquainted with the four first rules of arithmetic, and be well versed in the Scriptures and the doctrines of the Church. He feared there was great difficulty in meeting this standard for the admission of pupils; but the course of education which was there proceeded with was of an extended nature. Some of the questions which were put at the examination of the pupils, previous to the granting of the certificates to qualify them as teachers, were of a nature which could hardly be deemed necessary. For instance, he found one of the questions was, “Give some account of the labours of St. Augustine,” “Name the principal Anglo-Saxon ecclesiastical authorities,” and “Give some account of the Venerable Bede.” Why, really to mention the principal incidents in the lives of St. Augustine and the fathers of the Church, was too much to be required of persons in their situation. He was quite sure the great object was, the promotion of a sound education of the community, in that mode in which the people of this country would allow it to be carried on, namely, by aiding the existing bodies founded for the promotion of education. He trusted, therefore, that there would be an inquiry into this whole question, for the security of the Church against the introduction of any changes without such reasonable opportunity of expressing their opinions as the Church had a right to expect. For these reasons he should support the Motion of the noble Earl.

The EARL of CHICHESTER thought the whole system deserved a searching and liberal inquiry; and it was to be regretted that a Motion for that purpose was not brought forward at an early period of the Session; but there would not be time to enter upon it with any expectation of arriving at a satisfactory settlement so near to the prorogation of Parliament. There was a time when he should have pressed for inquiry most earnestly, namely, when he thought that a charge might have been brought against the Government and the Committee of the Privy Council, that it had the power of establishing any system of education without the knowledge or consent of Parliament. He thought also at that time many of the management clauses to be so objectionable as to require alteration. His object, however, in thus rising, was to say, that at that period of the Session the instituting an inquiry before a Committee of that House, would not be attended with any advantage. His noble Friend who introduced the Motion must be aware that an immense mass of evidence must be brought before the Committee. Surely his noble Friend must feel that evil would be the result of hearing evidence only on one side. Such a proceeding would excite angry feelings and a great deal of misrepresentation, and thus induce many persons to become partisans on one side or the other. It was on this ground, and this ground only, that he was induced to oppose the Motion. There was one point to which his noble Friend had directed the attention of the House, and with respect to which he had no observation to make. His noble Friend complained of the mode in which, under the management clauses, arbitration was to be carried on in case of difference between the clergy of a parish and the managers of the school. This did not appear to him to be one of the most important points in which the National Society wished for an alteration. He doubted whether it was expedient that questions which were not of a strictly religious character should be referred to the bishops. It would be extremely inconvenient for a bishop to go into all such matters as might be referred to him. The next point to which he would allude was, the high standard of intellectual knowledge and study which it was said was required by the inspectors. He quite agreed that there might be a degree of pedantry and affectation of learning common in schoolmasters and teachers that it was very un-

desirable to encourage; but he wished it to be understood that most of the questions were questions that had probably been affirmed in books in common use in the national schools. There was another point on which he would say a few words, namely, as to the question of giving a party who founds schools a greater option than is now allowed. On that point there was only one course of duty open to the members of the Privy Council Committee, and that was the course they had taken. As a member of the Church of England, he strongly objected to the principle that any man should have the right of educating, not his own children, but of educating future generations in a parish, and should have the power of adjusting in what way that school should be conducted, and at the same time should be at liberty to make a claim upon the public funds for its support. When it was required that the Government of the country should sanction that proceeding, and that a tax should be applied to the perpetuation of that very inconvenient kind of charity, he thought there was a necessity for Government exercising some control over the form of conveyance. He hoped, in conclusion, that both laxity and freedom of choice would be resisted.

The BISHOP of OXFORD regarded the question before the House as a national question, and not in any degree as a party question. The great cause of suspicion which animated the Church against the system now in operation, had not yet been fairly dealt with. It was not the dread of giving to the people a perfect education. God forbid! He desired to see the education of the people pure and perfect. He was sure that the language which the noble Marquess had uttered, was founded upon the greatest mistake. The noble Marquess had said, that the clergy and the National Society wished to keep the laity of the Church of England out of the management of the schools, and to confine the management of them to the clergy of the Church of England. He did not believe that any such feeling existed, or that any opposition to the laity having a joint management and control over the schools with the clergy ever entered into the feelings of that body. On the contrary, what the clergy of the Church of England and the laity had to view with jealousy and apprehension was, that the charge of the education of the people would be transferred from them to the State, which need not belong to any particular denomination of

Christians, and therefore, being at liberty to teach all doctrines alike, might in fact not teach any. The State had no organisation by which it could undertake the work of training the young which was a duty peculiarly intrusted to the clergy of the Church of Christ; and he objected that the education of the children of the Church of England should be transferred from the ministers of that Church to a Minister of Public Instruction. He nevertheless did not share in the whole of those feelings of suspicion which were entertained with regard to the management of the education of the people by the State, although he thought there were grounds for considerable suspicion. The first movement in that direction began in the institution of a normal school, which excluded religious instruction. In 1844 it was provided that the schools should be managed by the schoolmaster alone, without the aid of the priest. It was also made a sufficient reason for not granting any aid to a school, that the noble founder of that school desired that there should be a reference made to the diocesan on all disputed points in respect to its management. It was a misrepresentation of the entire case to say that the National Society had sought to have everything referred to the bishops. They did no such thing. All they asked was, that when the local founders desired to have a reference to the bishop, they should have the power of doing so. There were provisions in the existing law of the land by which money was granted out of the public funds to Socinians, Roman Catholics, and other Dissenters, towards the founding of schools, and that without any condition whatever; while, in order that any grant should be made to a Protestant school—that was to say, to a school connected with the Church of England—it was made a necessary condition that reference should not be made to the bishop of the diocese; and unless it was taken upon that condition, it could not be obtained at all. The cause assigned for refusing to allow any reference of the kind, was the needlessness of such an authority. This was the determination of the Privy Council; but within one year of its being come to, the Charitable Trusts Bill was introduced into Parliament, in which there was a special provision that the management of every school having an endowment not exceeding 30*l.* a year, should be vested in the Committee of the Privy Council; that the Council should have the power of carrying out the founder's wishes; but that,

if the Council were of opinion that those wishes could not be carried out, then the Council should be empowered to make suitable regulations for the school under the controlling power of the Committee. First, they did not think there should be a controlling power, and then there was a provision for the exercise of such a power. He could not wonder that a very considerable amount of suspicion was excited when such facts as that were brought out. It was not surprising that suspicion—perhaps exaggerated suspicion—should prevail on this subject. Nothing had caused more alarm than the impossibility of seeing a limit to the changes which were constantly being effected without any apparent reason. During four years antecedent to 1848 the management clauses were enforced upon all schools which applied for aid; but when the subject was brought under the notice of the other House of Parliament in that year, the noble Lord at the head of the Government condemned the proceeding, and declared that the National Society was justified in objecting to it. It was impossible to interfere with the liberty of private founders without checking the flow of private charity, which, after all, was the main source from which pecuniary aid must be derived. The fund supplied by Government was chiefly valuable as the means of setting private charity at work, and an interference with the liberty of founders would dry up the springs of benevolence, and alienate those by whose assistance only it was possible to work out the great scheme of national education. All that the National Society asked was to be allowed to choose from the management clauses of the Government those which they would have applied to the schools, and that the bishop of the diocese should be the referee. It was a subject of just complaint that the Committee of Privy Council did not give a satisfactory account of their proceedings. The administration of the funds depended a thousand times more upon things that could not be reduced to minutes than on those that could; and experience showed that the power that holds the pursestrings would ultimately be the dominant power. For instance, it had lately come to his knowledge that the Committee of Privy Council refused aid to a school unless two of the leading landowners in the parish would guarantee the continuance of the school. He could not conceive a more mischievous invasion of the rights of the subject. He would have been surprised at the noble Marquess approving of

this arbitrary proceeding had not his experience taught him that those who declaimed the most loudly in favour of liberty were always the most arbitrary and tyrannical in practice. Could there be anything more arbitrary than to say that if two gentlemen would not give a guarantee for the continuance of the school, the inhabitants of the parish should receive no pecuniary assistance from the Government for educational purposes? Such conduct was a gross invasion of the trust confided to them by Parliament. There was nothing in the Minutes to warrant it. The Committee of Privy Council exercised a great degree of irresponsible power, and that should induce them to court publicity, with the view of removing the suspicions which prevailed amongst the people relative to their proceedings. All that was asked for was inquiry. Was that an extravagant request? Could the Government safely refuse it, if they believed that they were pursuing a proper course? The noble Marquess refused all inquiry. [The Marquess of LANSDOWNE: No!] He did not mean that the noble Marquess refused inquiry in express terms, but he proposed a delay longer even than the six months which were proverbially fatal to Parliamentary propositions. It was necessary that inquiry should take place, in order to remove the objections which were felt to the present system, and to restore confidence to the friends of the Church.

The MARQUESS of LANSDOWNE, in explanation, said that he did not state that he should offer any opposition to inquiry. What he said was, that if the inquiry was to take place at this moment, it must be ineffectual and incomplete, and he had proposed to adjourn it to that period of the year, namely, the commencement of the next Session of Parliament, when it could be made complete, and when the other House might conduct a convenient investigation.

The EARL of CARLISLE said, that as the noble Earl had not acceded to the overture made by his noble Friend the President of the Council, he trusted that, before their Lordships proceeded to a vote, he might be allowed to say a few words on the history of the management clauses. The need of such clauses had long been felt; for he apprehended that it was as notorious as the light of day that most serious evils had resulted from the state of things which formerly existed. Trusts frequently devolved on minors and lunatics, or on clergymen who had no connexion with the

parish, and who lived in a different part of the country. The right rev. Prelate who presided with so much credit to himself over the diocese of Salisbury, had stated, in a charge to his clergy, that some management clauses were necessary; and the right rev. Prelate who spoke last admitted the same thing. He would put to the noble Lords who had read the correspondence between the Committee of the National Society and the Privy Council—at least, to those of them who did not entertain notions of church supremacy—whether the entire course of the Privy Council had not been marked by a desire to remove the objections and secure the co-operation of the National Society? These management clauses were drawn up in 1845, under the direction of the late Lord Wharncliffe. They were submitted to the Committee of the National Society in 1846, and in the same year that Committee informed the Committee of the Privy Council that they would recommend them to the promoters of local schools, with the proviso, that the promoters should have the option of refusing them. The Committee of Privy Council, however, though anxious in all that they did to leave much to local discretion and management, felt themselves called upon, when applying public funds to a permanent purpose, to take care that, wherever circumstances would admit, the Church laity should have their full share of co-operation with the Church clergy. The whole course of the Committee of Privy Council had been directed to remove the objections and secure the co-operation of the National Society. After the Society's committee had undertaken to recommend the management clauses to the promoters of local schools, a great number of additional checks and securities were devised. Everything in fact was conceded, except an appeal to the archbishop or bishop in matters which did not relate to moral or religious instruction. When he contrasted all that had been granted with the clamour about what had been withheld, he must say he thought we had witnessed in our times a sorry spectacle. Whilst a large portion of the population was defaced by ignorance and crime, they had found the co-operation of the Church and State in reclaiming the degraded, prevented by calumnies and misrepresentations in the most insignificant points of disagreement. He hoped the Church would long continue to exercise a powerful influence in educating the people; but when the day came for the establishment of a

more comprehensive system, it was not improbable that the Church might be disturbed in the enjoyment, he would not say of the lion's share, but of the large predominance she now possessed in all that relates to the funds devoted to public education; and he would warn the Church therefore not to precipitate that result by any aggressive movement. With reference to the immediate question before their Lordships, the noble Marquess the President of the Council was willing to assent to an inquiry in the course of next Session; and, therefore, as the present Session was too far advanced to permit of the inquiry, if it were at once entered into, being brought to an immediate issue, and as it would prematurely excite a vexatious controversy, which could not under present circumstances be speedily terminated, he trusted their Lordships would consider it unwise to accede to the present Motion.

LORD STANLEY agreed in the hope just expressed by the noble Earl, that as the present Session of Parliament was approaching its last days, he trusted that their Lordships would not see, as in past years, all the important measures of the Session crowded into that House during the last few days of the Session, and submitted to their Lordships during a period when but a small number of their Lordships were in attendance to consider them. He thought there was some justice in the complaint that the management clauses should tie down each locality with an unvarying bond, and that regulations should be laid down which might be suited to the year 1850, but which were wholly unsuited to the year 1870. With regard to the Motion before their Lordships, the question was not whether there ought to be any management clauses at all, but whether it was an unreasonable and monstrous request to ask that if a body of Churchmen subscribed to build a school for the education of children belonging to the Established Church, and to be conducted by members of the Established Church, they should be allowed to refer any difference occurring between the managers to the arbitration of the bishop of the diocese. He maintained that it was unfair that such a desire as this ought to constitute an absolute bar to the managers of a Church school receiving any assistance from the State. Yet, although assistance to build such schools was refused, when they were built, State assistance was not refused for carrying them on. [The Earl of CARLISLE: The one is an

nual, and the other is permanent.] That made no difference, that he could see. If the system were vicious, why did they support it; and if it were not vicious, why did they not uphold and establish it? It was deeply to be regretted that the noble Marquess had not assented to the Motion, and more especially on account of the grounds he had stated for opposing it; because before the Easter recess the noble Marquess noticed certain misrepresentations, which he said had taken place at a large meeting in this metropolis, and referred in very strong terms also to the conduct of a noble and learned person who presided at that meeting. That noble and learned person addressed a letter to the noble Marquess, stating that he wished to have an opportunity of proving the great bulk of the allegations which the noble Marquess so emphatically denied. The appointment of a Select Committee would have afforded such an opportunity. The noble Marquess would allow that the Motion had been made in no offensive, hostile, or discourteous manner. So anxious was he himself to prevent any misconstruction of the spirit in which it was brought forward, that application having been made to him to move the appointment of a Committee, he stated, that considering the position he held in that House, it was desirable the Motion should not assume the character of a Motion emanating from a political opponent; and so anxious were they to prevent the supposition that it proceeded from a particular party in the Church, that it had been brought forward by one who had no sympathy with that party. The noble Lord had laid down before their Lordships a case in which there were reasonable grounds for an inquiry which should show whether certain jealousies existed, and moreover would furnish the country with practical information with respect to the working of the new system. Nothing could be more beneficial than a system of inspection, but the system had been widely extended in its operation, and still more in its effects, within the last two years. With largely increased grants, premiums had been awarded to pupil teachers, and so the inspection had acquired influence not only greater in amount, but different in character. There was a danger that this inspection might lead, not to the permanent development of mind, and the acquisition of attainments applicable to what constituted the everyday business of a person at a future stage of life, but to a

system of "cramming," by which certain books were got up, and of preparing examinations for the purpose of shining on a particular day, by applying the mind to something which would appear brilliant and extraordinary, but which would be of no earthly use in the future employment of the teacher or the child; whilst more solid and useful knowledge that really was fitted for the candidate for promotion was lost sight of, or not sufficiently attended to. The intense desire for the approbation of the inspector, and the hope of the substantial rewards which followed, acted as strong stimulants; and, in the case of young females, it had been found, that not only did their application to such studies as he had indicated seriously impair their application to other and more important points, but also exerted a prejudicial effect on their bodily and mental powers. What was desirable was, that the system should be brought to the test, and, if the facts were as represented, that a more practically beneficial system should be encouraged. The examinations might be so cursory that an imperfect idea might be formed of the qualifications of candidates, and shining qualities obtain a preference over those which were more solid. A further question for consideration was whether the system of inspection, followed by premiums, was likely to have the effect of making teachers look up to the Government inspectors, and through them to the Government, and whether it had the effect of weakening the authority and control of the local promoters? Years ago he had opposed the great extent of power which it was then apparent would be vested in the Committee of Privy Council. Whatever he might have thought of the original institution, he was by no means prepared to say that he would wish to withdraw that power. He knew how desirable it would be to limit it by specific restrictions in an Act of Parliament; but he knew the difficulty, nay, almost the impossibility, of laying down fixed rules which should permanently, at all times, and under all circumstances, bind those who, under constantly varying circumstances, had to superintend the distribution of the grant. But the more there was left to the discretion of the Committee of the Privy Council, the more ought the public, and the more were their Lordships entitled, to look with jealousy on the proceedings of the Committee. The statement of the noble Marquess that the Committee gave full information of what they

were doing, must be taken with the qualification that by their instructions in a series of individual cases they were establishing precedents and principles which might not for years come under the cognisance of Parliament; as in the case of the institution at Kneller-hall, which was first made known to the public in 1849 as being in operation, although the first letter on the subject appeared in 1846. The principle on which that institution was founded had been laid down and put into operation without the knowledge of Parliament. The information contained in the blue books was not one-tenth of what might be procured by the inquiry of a Committee as to the reasons why certain orders had been issued, and what were their consequences. There was great suspicion abroad as to the working of the clauses prepared by the Privy Council. Whatever might be the cause, and whether it was deserved or not, there could be no doubt that great suspicion existed in the public mind, and that an impression was abroad that the Committee of Privy Council wished to keep their proceedings secret, or at least to make them known only by papers that they selected for the purpose; and if inquiry was to be prosecuted, not during the present, but next Session of Parliament, they might depend upon it that the effect of such a postponement would be to increase still more that suspicion. If, however, an early opportunity was given to those who had complaints to state their case, it would go far to allay jealousies and suspicions. It would prove that they were ready to give information, not through the medium of selected papers, but by the statement face to face of witnesses telling the whole truth, and in the hearing of those who had no object but to arrive at a knowledge of what the truth really was. He would certainly, if his noble Friend took the sense of the House on the question, vote for the immediate rather than the prospective appointment of a Committee.

The MARQUESS of LANSDOWNE said, that he would consent to the appointment of a Committee at the commencement of the next Session, but he objected to such a course at the close of this.

The EARL of HARROWBY replied.

On Question,

Their Lordships divided :—Content 26; Not-Content 31 : Majority 5.

List of the CONTENTS.

DUKE.	BISHOPS.
Richmond	Bangor
MARQUESSSES.	Bath and Wells
Drogheda	Chichester
Hertford	Lincoln
EARLS.	Oxford
Cardigan	Salisbury
Enniskillen	BARONS.
Falmouth	Abinger
Harrowby	Forester
Nelson	Lyttelton
Powis	Lilford
Talbot	Redesdale
Warwick	Stanley
VISCOUNT.	Walsingham
Canterbury	Wharnccliffe

List of the NOT-CONTENTS.

DUKE.	BISHOPS.
Norfolk	Manchester
MARQUESSSES.	Hereford
Lansdowne	BARONS.
Normanby	Auckland
EARLS.	Byron
Besborough	Colborne
Bruce	Camoy's
Camperdown	Eddisbury
Carlisle	Elphinstone
Chichester	Erskine
Cowper	Foley
Granville	Howden
Grey	Kinnaird
Galloway	Langdale
Minto	Methuen
Strafford	Overstone
Sefton	Say and Sele

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 2, 1850.

MINUTES.] PUBLIC BILLS.—2^d Portland Harbour and Breakwater.

Reported.—Pirates' Head Money Repeal Act Commencement; Sheriff of Westmoreland Appointment.

3^d Landlord and Tenant.

LANDLORD AND TENANT BILL.

Order for Third Reading read.

MR. PUSEY moved that this Bill be read a Third Time. It had not been his wish to legislate for Ireland on this subject, but during last autumn he received from two tenant-right societies in Ireland a request that he would include that country in his Bill. Seeing it was not likely that any Government measure would be introduced this Session on the subject, and the hon. Member for Kerry having given notice of a Motion to extend the Bill to Ireland, he (Mr. Pusey) had consented to adopt that suggestion. From all he could learn from Irish Members, the measure could not do Ireland any harm; he there-

fore respectfully asked hon. Members belonging to that country to allow Ireland to stand part of the title of the Bill.

Motion made, and Question proposed, "That the Bill be 'now' read a Third Time."

COLONEL SIBTHORP said, that in Lincolnshire there was a decided objection on the part of the tenants to any legislative interference with the relations existing between landlord and tenant; and he knew that although at agricultural meetings the members were not allowed to talk politics, yet that they did, in their private conversations, speak of this Bill as being a most absurd measure. He therefore moved that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

COLONEL CHATTERTON seconded the Amendment.

SIR J. Y. BULLER considered the reason assigned by the hon. Member for Berkshire, for extending this Bill to Ireland, namely, that it would not do that country any harm, was a very odd sort of reason on which to ground an act of legislation. The question they ought to consider was, whether it would do Ireland any good. In his opinion the Bill was full of objectionable provisions, and if enacted it would open the door to endless litigation between landlord and tenant. It might possibly suit the purposes of large farmers in Lincolnshire and Norfolk; but it was totally inapplicable to those parts of the country where the tenures were small, and the tenants without much capital. To them the effects of the measure would be very injurious, and would indeed be the means of preventing them from taking any farms at all. He entertained a strong objection also to the interference which the Bill would sanction with the interests of tenants in tail by the tenants for life. With these views, he should vote for the Amendment.

MR. PUSEY replied, that there might appear to be some force in the objections of the hon. Baronet if the system which the Bill sanctioned had never yet been tried; but it was already in existence in Lincolnshire. [Mr. CHRISTOPHER: No, no!] If the hon. Member would refer to the blue book, he would see that that was the case; and that the system had produced none of those evils which were

anticipated by the hon. Baronet the Member for South Devonshire.

MR. CHRISTOPHER said, the hon. Gentleman was entirely mistaken when he said that the system which this Bill would establish was applicable to the county which he (Mr. Christopher) represented. The system which existed in Lincolnshire had arisen out of a voluntary contract and a mutual goodwill between landlord and tenant; and that, he begged to say, was a very different thing from the enforcement by Act of Parliament of arrangements between those parties, and more especially in other parts of the country, where circumstances might render such arrangements wholly impracticable.

MR. TORRENS M'CULLAGH had hitherto supported the Bill, and he did so because it was an English Bill; but now that it was proposed to extend it to Ireland he could no longer give it his support.

SIR G. STRICKLAND had always considered the Bill to be a most objectionable measure. It would interfere improperly with the rights of private property. It was said to be permissive only; but if this measure were agreed to, another year would not pass without the hon. Gentleman's bringing in a Bill to make it compulsory. The hon. Member wished to instruct farmers in the management of their property; but it appeared, according to the opinion of the *Times* Commissioner, who had visited the farm of the hon. Member, that it was overstocked with lean sheep. It was said, that this Bill was brought in to gratify the tenant farmers; but they were not so benighted as not to see that it was a delusion. He considered that they were amongst the worst-used class of Her Majesty's subjects; and, for these reasons, he should support the Amendment.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 53; Noes 17: Majority 36.

Bill read 3^d.

MR. S. CRAWFORD moved the omission of the word "Ireland" from the preamble. He objected to accept for Ireland a measure of this imperfect character, while a more just and perfect one was imperatively called for. It would be, in his opinion, most injurious to the best interests of Ireland to pass a measure so totally ineffective as the present, and thus to give an apology to the Government for neglecting to do their duty in bringing forward such a measure as they would stand by,

and offer as a final settlement of the subject of tenant-right in Ireland. The only mode by which the agitation in Ireland on the subject of tenant-right could be prevented from arriving at dangerous results, would be by some timely step being taken by the Government to do that which was just and fair towards both the landlords and tenants of Ireland.

Amendment proposed, in page 1, line 12, to leave out the words "or Ireland."

MR. H. A. HERBERT supported the application of the measure to Ireland. He did not see how the Bill if good for England, would not, as far as it went, be good for Ireland. He thought it inconsistent in the hon. Member for Dundalk to vote for the third reading of the same Bill last year, and to oppose it on this occasion. He hoped, therefore, that the House would not allow the Amendment of the hon. Member for Rochdale to pass.

MR. TORRENS McCULLAGH said, that if it were necessary he could point out several clauses in the present Bill which differed widely from those contained in the Bill of last year. But he did not wish to rest the vindication of the altered course he now deemed it his duty to pursue, upon any nice distinction between the tenor of the two Bills. He supported the Amendment of his hon. Friend the Member for Rochdale, because the circumstances of the country had, with reference to this question, greatly changed; and he must be allowed to add, because the hopes and fears with which his own mind had formerly been swayed with regard to it, had undergone a very great alteration. Last year he owned that he was one of those who did not despair of seeing a practical settlement of this most important question attempted by the Government. He had even clung to the hope during the earlier part of the present Session that something effectual might be done. Day after day, however, had been suffered to pass, and the precious opportunity had been lost for adjusting the great controversy that now rent society in Ireland. The people had seen their prayers neglected, they had seen the attention of Parliament devoted to almost every conceivable subject but this—this which touched them more nearly than any other. They were disappointed, irritated, agitated; and he must say, that whatever hon. Gentlemen opposite might think of the avowal, he thought the people of Ireland had just cause for irritation, at the way in

which this, their paramount concern, had been neglected. Nothing could be more unwarrantable than the insinuation that had been made, that those Members of that House who had lately taken more than ordinary interest in promoting the due consideration of the claims of the Irish tenant classes, had sought to stimulate angry passions, or to foster unreasonable expectations on the subject. Their advice and admonition had undeviatingly been of an opposite character. But they felt themselves all the more bound, at whatever risk of unpopularity in that House, to urge upon those who unfortunately deemed their interests as landlords adverse to those of the tenantry, that the indefinite delay in which they were encouraging the Government, and the perpetuation of just discontent which they were thus causing, was a perilous course both to themselves and the country. However this might be, he thought that no impartial man could charge his hon. Friends who had voted last year for the Bill of the hon. Member for Berkshire with inconsistency if they now refused to do an act which would naturally be regarded by an irritated people as mere trifling with their wants and wishes. The best that could be said of the Bill was, that in England it would do no harm. But the people in Ireland were not at the present moment in the humour to be offered this miserable prescription of "spermaceti for an inward bruise." As for assimilation, he would say that he believed a more hollow or absurd cant never had prevailed. It was not many hours since they had been stunned by a signal proof given in another place that there was no intention whatever, so far as the party opposite were concerned, to yield any substantial right of franchise that would tend to assimilate the liberties of the two nations. And it ill became the hon. Member for Kerry, who by his vote in that House had encouraged others to commit the act to which he alluded, to taunt others with a want of faith in the delusion called assimilation. After suffering the Session to pass without one serious attempt to pass a substantial measure on the subject for Ireland, he could not help thinking that the unmeaning insertion of the name of that kingdom in a Bill solely applicable to England, would be felt, by the majority of the Irish people, as something very like an insult and a mockery.

MR. STAFFORD would support the Bill, but he deprecated the course pursued

by the hon. Member for Dundalk. The tenantry of Ireland would at least see that the hon. Member for Kerry had endeavoured to gain something for them by assimilating as much as possible the law of England and Ireland; but the hon. Member for Dundalk had protested against any assimilation, and, despairing of a large measure, he had refused a small one.

SIR G. GREY said, that the question was, whether this Bill should be extended to Ireland, or whether that which the Committee had decided should be reversed? He saw no reason why this Bill should not be extended to Ireland. The object of the Bill was, that persons having limited agreements were to make them binding on their successors. This was for the benefit of those persons, because it would encourage permanent improvement. It was desirable to remove the obstacles which existed in Ireland as well as in England. He hoped the object of the Bill would be to lead to well-considered amendments between landlords and tenants. There was nothing in this Bill that need prevent future regulations as applicable to Ireland when the Bill came under consideration. He should vote for the retention of those words in the Bill which extended it to Ireland.

Question put, "That the words proposed to be left out, stand part of the Bill."

The House divided:—Ayes 64; Noes 14: Majority 50.

Bill passed.

The House adjourned at a quarter before Six o'clock.

HOUSE OF COMMONS,

Wednesday, July 3, 1850.

The House met at Twelve o'clock.

DEATH OF SIR ROBERT PEEL—ADJOURNMENT OF THE HOUSE.

MR. HUME: Mr. Speaker—I hope, Sir, that in addressing the House I may be excused for expressing the deep regret which I feel, and which I am sure every Member of this House must feel, at the loss which we have so lately sustained by the death of Sir Robert Peel. I cannot, Sir, allude to the conduct, or the career, of that right hon. Gentleman, more particularly of the latter years of his life, during which events of immense importance have

taken place, mainly owing to the part which he took in this House, without forming the highest opinion of the man who could sacrifice power, and the friendship of intimate friends and acquaintances—everything to perform those duties which he believed the imperial interests of the country demanded of him. It is, Sir, needless for me to say more than to express the hope that, if the House shall concur with me in the sentiments of deep regret which I have feebly attempted to express, that they will also concur with me in doing that which is the best means by which we can, upon this occasion, show our best respect for our great departed statesman and late Member, by moving the adjournment of this House, and not proceeding with any of the business of the day. It is impossible for me to state—indeed, Sir, I have not the power to express my feelings, and I feel so strongly the public loss the right hon. Baronet's death has caused, that I have only, Sir, humbly to submit that the House should concur in a unanimous resolution of adjourning, out of respect to the memory of the right hon. Baronet. When I contemplate the immense sacrifices which he has made, the feeling of interest which has been manifested in this metropolis, and which will, I doubt not, be extended throughout the whole of the country, I hope I may be excused, even if there should be no precedent—and I am not aware that there is any—for the course which I have adopted upon an occasion so seldom, or ever, likely to occur again, at least not in my time; and I trust that the House will concur in the Motion that, out of respect to the right hon. Baronet, to his memory and his services, the House do now adjourn without proceeding to any further business.

MR. GLADSTONE said: Sir, as the hon. Member for Montrose, from motives which I am sure all of us appreciate, has submitted this Motion to the House, and as I see no other person present who has ever been connected by office with the lamented statesman, of whose loss it is intended to mark our deep sense, by an adjournment, I beg leave to second the Motion which has been made by the hon. Member. I am perfectly sure that it will be a matter of deep regret to the noble Lord at the head of the Government, who in consequence probably of the introduction of this subject a few moments earlier than

might have been expected, has been deprived of the satisfaction which I am sure he would have felt in bearing a part on this melancholy occasion. He will regret, I am certain, that he was deprived of bearing his part in this, the earliest, but not the last, high tribute of respect which will be paid to the memory of one whom, Sir, I am, alas! no longer forbidden to name in this place, the late Sir Robert Peel. The subject introduced by the hon. Member for Montrose—he will understand me when I say it—it is one which does not at this moment admit of discussion. I am quite sure that every heart is much too full to allow us, at a period so early, to enter upon the consideration of the amount of that calamity with which the country has been visited in his, I must even now say, premature death; for though he has died full of years, and full of honours, yet it is a death which our human eyes will regard as premature; because we had fondly hoped, that in whatever position he was placed, by the weight of his character, by the splendour of his talents, by the purity of his virtues, he would still have been spared to render to his country the most essential services. I will only, Sir, quote those most touching and feeling lines which were applied by one of the greatest poets of this country to the memory of a man great indeed, but yet not greater than Sir Robert Peel:—

“ Now is the stately column broke,
The beacon light is quenched in smoke;
The trumpet’s silver voice is still;
The warder silent on the hill.”

Sir, I will add no more—In saying this I have, perhaps, said too much. It might have been better had I simply confined myself to seconding the Motion. I was, however, in hopes that, by my protracting these observations for a few seconds, there might, perhaps, have entered the House some persons who would have been more worthy than I to bear some part in this melancholy duty. It is not so; and I am sure the tribute of respect which we now offer will be all the more valuable from the silence with which the Motion is received, and which I well know has not arisen from the want but from the excess of feeling on the part of Members of this House.

MR. NAPIER said: As I am connected with some of the Bills which are set down as Orders of the Day for to-day, and which I have endeavoured for some time to bring before the notice of the House, perhaps I may be permitted to say how willingly I

would waive everything to testify in any manner I could my esteem for the right hon. Baronet, and my sorrow and regret for the loss which the country has sustained in his death. It is a very curious circumstance that a large portion of the legislative measures to which I was about to ask the attention of hon. Members, had been supplied to the House by the legislative wisdom of that great man who has just been gathered to his fathers. It was this which inspired and encouraged me to follow humbly the efforts of him who, by legislation in connexion with the records he has left in the criminal jurisprudence of the country, has given us memorials of enlightened wisdom, which entitle him to claim the gratitude and the homage of all classes of the country. I was struck, Sir, this morning, when the news came to me of the death of the right hon. Baronet, when I thought what a few short hours it was since he stood in his place, in this House, in the vigour and fulness of intellectual power, chastened but not impaired by its maturity, to think what shadows we are, and that the life of the wisest and the strongest of us is but as a wavering flame. I gladly, Sir, postpone all matters connected with the business of the day, and most willingly concur in this, the only tribute which we can pay to the memory of the right hon. Baronet upon this occasion.

SIR R. H. INGLIS: Perhaps, Sir, my right hon. Friend the Member for the University of Oxford was right when he suggested that silence was more eloquent than any words which we could use upon the occasion of such a loss as this House, this country—I may almost say the whole of the European community—has suffered in the death of Sir Robert Peel. At the same time, Sir, as the silence which followed the address of my right hon. Friend has been broken with equal feeling and truth by my hon. and learned Friend the Member for the University of Dublin, perhaps I may be permitted, in bearing my humble but heartfelt tribute to the character of the friend whom we have now lost, to say that I trust his memory may be brought to our hearts and minds without the least reference to those questions of politics which have hitherto divided us, and to which some passing reference was made in the introductory speech of the hon. Member for Montrose. It is not necessary to call upon the House to forbear, at such a time, from any topic which might disturb the unanimity of feeling and sen-

timent which upon this subject prevails, not in this House only, but throughout the country. It is, Sir, with the most cordial feeling and cordial respect that I rise at once—not that I am in any sense entitled to bear my testimony to the character of that great man, but as one who has had a seat for some time in this House—to state that I believe there never was a man who made greater sacrifices for the public good. Power, Sir, he sacrificed willingly. I believe he would have sacrificed everything, except that which he considered paramount to everything—the good of his country. Those, Sir, who most differ from the right hon. Baronet in their views upon those subjects referred to by the hon. Member for Montrose, will, I am sure, unite in one cordial feeling of respect, and, I may say, of grateful respect, for the memory of a man who really did more to distinguish this House among the deliberative bodies of the world, than perhaps any man who ever sat within its walls. I most cordially concur in the proposition made to the House, and received by it with so much feeling, that, in order to mark our sense of respect for the late right hon. Baronet, and of the loss which we have sustained in his death, we proceed no further with any of the business of the day.

SIR W. SOMERVILLE said: No notice, Sir, having been given of the intention on the part of any hon. Member to move the adjournment of the House, and as it accidentally happens that no Member of Her Majesty's Cabinet is present in this House, perhaps I may be permitted to say that, had such been the case, some persons of greater importance in this House than myself would have risen to express their deep feeling of regret at the loss which the country has sustained in the death of that eminent statesman whose death we now deplore. I will say no more upon this occasion. It would hardly become so humble a Member to say more than that I deeply participate in the feeling—the general feeling—of this House; and I am quite sure that if the noble Lord at the head of the Government was in his place—and his absence is only attributable to the fact that he did not expect this Motion would have come on so early—he would, I am sure, concur in expressing his deepest sympathy, his feeling of highest respect and honour for that great statesman who has just passed from among us, and his sincere condolence at the loss which this House and the country has sustained in

his death. I have only to say that I most cordially concur in the Motion for the adjournment of the House.

MR. SPEAKER rose to put the Motion.

SIR W. SOMERVILLE again rose, and said: I have just been informed—I was not previously aware of the fact—that the noble Lord the First Minister of the Crown happens at this moment to be in the country. He left town last night.

Motion made and Question, “That this House do now adjourn”—put and agreed to, *Nemine Contradicente*.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Thursday, July 4, 1850.

MINUTES.] PUBLIC BILLS.—1^a Landlord and Tenant.

2^a Upton cum Chalvey Marriages Validity; Benefices in Plurality; Larceny Summary Jurisdiction.

3^a Police and Improvement (Scotland); Judgments (Ireland).

EDUCATION.

The MARQUESS of LANSDOWNE said, that in pursuance of a pledge he gave on Tuesday evening, he now laid on the table the only remaining paper of importance relative to the Minutes of the Committee of Council of Education on the subject of schools. He would take that opportunity of stating that in any observations which he had made during the discussion of this subject the other night, he did not intend to cast any reflection on the conduct or management of the very respectable gentleman who had the charge of the training school at Warrington. He wished also to correct an error which appeared in the public newspapers. He was represented to have said that one-third or fourth part of the population of England consisted of Dissenters. He would repeat the qualification he then added, namely, that the Dissenters of England, in conjunction with the members of the Church of Scotland, might amount to one-fourth of the whole community of Great Britain.

THE LATE SIR ROBERT PEEL.

The MARQUESS of LANSDOWNE: My Lords, I will with the permission of your Lordships, ask your attention for a few moments to a subject which, I am sure, is present to all your minds, and which will require that you should permit me for a short time to deviate from the ordinary

course of your proceedings, so far as to hear me upon a subject which is not regularly before the House. It is quite true, my Lords, that, when we look round this place we do not perceive the loss of any important person here; there is no great blank in this place. But, my Lords, we are all aware of, and we all deeply deplore, a great and lamentable loss which has occurred in another assembly, with which we are connected by so many ties and relations, political as well as personal, breathing as it were the same atmosphere, and daily occupied with the same objects, so that no occurrence, deeply affecting the interests and proceedings of that assembly, can do otherwise than extend its influence to us in this place. We all must be aware that to that assembly has befallen a great calamity, a great personal loss, the effect of which has been deeply felt there. It would be extraordinary indeed if the deep voice of sorrow which has been raised there, did not find any echo within these walls. My Lords, as it appears to me, this is not the place and this is not the time to sit in judgment on the political conduct or public actions of any great statesman whose presence has just been withdrawn from us. The conduct of every public man, *posteritati narratus et traditus*, must abide the judgment of that posterity. The actions of one generation must be submitted to the judgment of another, perhaps better qualified, because further removed from the scene of these actions, and therefore better enabled to contemplate that scene, and to survey it calmly in all its bearings and results. But, my Lords, there is one tribute, at least, due to the past exertions and to the final close of the career of a distinguished public man, the value of which is important in the same proportion as it is instantaneous; that is, the expression of public sympathy—of public sympathy unasked, unsolicited, unsought for, from all quarters and all classes of society, attending—I would I could add cheering—the dying moments of such a man. That sympathy and that feeling, unmixed with any political opinions, I am confident, my Lords, you are not less disposed than any other class of the community to offer on this melancholy occasion. For myself, I can only say that, it having been my fortune from a prolonged life to witness the commencement and the development of the career of him whom I must now unfortunately call the late Sir Robert Peel—having, I say, witnessed his first

exertions and the commencement of his career, which in the ordinary course of nature and of human events I could not expect to see the close of—I have, by the events of more than 40 years, been made more aware, perhaps, than many others of the unremitting zeal, exclusively devoted to public objects, and to no others, by which the life of that eminent man was given up to the service of the State, bringing to that service, as he did, the greatest and most distinguished talents, equally great and distinguished both in business and in debate. And, my Lords, such having been the case, such exertions having been continued to the last, it would be impossible to witness the sudden and unexpected close of such a life, so employed, without a passing expression of sympathy, sorrow, and condolence, in which I believe that all the people of this country will join, and especially all those connected with its legislative and public proceedings, who have witnessed an event which has filled all hearts with sorrow, and many minds with apprehension. My Lords, I shall say nothing more. Whatever has been felt in another assembly, of which he was a Member, is now felt here and throughout this country; and I persuade myself that, however feebly, I have only given vent to your Lordships' feelings and my own in endeavouring that such a casualty and such a loss, should not pass unmentioned in this House. Such an occasion perhaps justifies me in departing from the ordinary course of our proceedings.

LORD STANLEY: My Lords, great as is the public loss which we have sustained, and universal as is the sympathy manifested by the whole country at the calamity which has befallen us, I did not anticipate that in this House, of which Sir Robert Peel was not a Member, the noble Marquess would have called for a public expression of feeling, or would have adverted, as he has done, to this lamentable occurrence. But, my Lords, as the noble Marquess has adverted to the case, I cannot deprive myself of the melancholy gratification of declaring how fully I participate in the feelings which were by the noble Marquess so eloquently expressed. My Lords, the noble Marquess truly said, that this is no time to criticise the public acts of a public man snatched from his country in the prime of life, when he had the reasonable right to expect that many years yet remained to him, to be devoted with that great ability, that unflinching zeal, and that unwearied

diligence which we all know he devoted to the public service. It has been my fortune at some times to be opposed to, and at other times to be the colleague in office of the late Sir Robert Peel. It has been my deep regret that, during the last four years of his life, I have been separated from him by a conscientious difference of opinion, I am sure on both sides, on an important matter of public policy. It is with equally deep regret that I know that that difference prevailed up to the last period of his valuable life. But it is a satisfaction to me personally, my Lords, to know that, whatever political differences there might be between us, there was no personal hostility on either side. I am confident that there has been none on my side—quite as confident that there was none on his. I never was one of those who attributed unworthy motives to a course of conduct which I cannot but deeply lament. I believe that in that step which led me to differ from him, Sir Robert Peel, was actuated by a sincere and conscientious desire to obtain that which he believed to be a public good. Mistaken as I think he was in that view, I am satisfied that upon that occasion, as upon all others, to act for the public good was the leading principle of his life, and that to promote the welfare of his country he was prepared to make, and did actually make, every sacrifice. In some cases those sacrifices were so extensive that I hardly know whether the great and paramount object of his country's good was a sufficient reason to exact them from any public man. But this is not a time to speak of differences—to speak of disagreements. A great man and a great statesman has passed away from us by the sudden and inscrutable dispensation of Providence. He has left in other House of Parliament—he has left among his compeers—he has left in this country a great void—a great blank. We are deprived of the services of that great, powerful, laborious intellect—of that unflinching diligence—of that unsparing application of all his best talents, his strength, his health, and all his great powers to the interests of his country. This is a moment at which all political considerations have ceased—in which the most solemn feeling is a fixed impression of the vanity of all human hopes and ambition, and of the instability of those things on which the destinies of nations depend, and in which it is not unfitting to remember that we are in the hands of Him who rules the destiny of nations by other means than

we can comprehend. In the feeling which I have just expressed, I know that I shall be joined by your Lordships and the country at large. I am sure that I shall be joined by universal Europe in the regret which I express for the sudden bereavement which has befallen his family, for the great loss sustained by his country, and for the sudden removal from the world of one who in private life was universally admitted to be in the possession of every virtue, and to be strictly unimpeachable. Whatever may have been the difference of political views, no one will deny to my lamented Friend the praise of having been an able, an assiduous, and a conscientious servant of his country.

LORD BROUGHAM: My Lords, before entering upon the more contentious matter which stands for discussion this evening, I hope that I may be permitted to deviate for a single moment to a subject upon which no difference anywhere exists. For forty years I had the fortune of being generally opposed to Sir Robert Peel on most political questions. I live to acknowledge cheerfully and conscientiously the splendid merits of that eminent individual, and to be convinced that upon the subjects on which we differed from each other, he acted from the most pure and conscientious motives. At the last stage of his public career, chequered as it was—and I told him in private that chequered it would be—when he was differing from those with whom he had been so long connected—and from purely public-spirited feelings was adopting a course which was so galling and displeasing to them—I told him, I say, that he must turn from the storm without to the sunshine of an approving conscience within. Differing as we may differ on the point whether he was right or wrong, disputing as we may dispute on the results of his policy, we must all agree that to the course which he firmly believed to be advantageous to his country he firmly adhered, and that in pursuing it he made sacrifices compared with which all the sacrifices exacted from public men by a sense of public duty, which I have ever known or read of, sink into nothing. He has gone to reap the just reward of his merits and his virtues:

“Omnibus, qui patriam conservarint, adjuvant, auxerint, certum esse in cœlo definitum locum, ubi beati ævo sempiterno fruuntur. Nihil est enim illi principi Deo, qui omnem hunc mundum regit, quod quidem in terris fiat, acceptius, quam concilia, cœtusque hominum, jure sociati, quæ civitates appellantur: harum rectores, et conservatores hinc profecti, huc revertuntur.”

I could not, my Lords, in justice to my own feelings, refrain from saying thus much.

The DUKE of WELLINGTON: My Lords, I rise to give expression to the satisfaction with which I have heard this conversation on the part of your Lordships—both on the part of those noble Lords who were opposed to Sir Robert Peel during the whole course of their political lives, and on the part of those noble Friends of mine who have been only opposed to him lately. Your Lordships must all feel the high and honourable character of the late Sir Robert Peel. I was long connected with him in public life. We were both in the councils of our Sovereign together, and I had long the honour to enjoy his private friendship. In all the course of my acquaintance with Sir Robert Peel, I never knew a man in whose truth and justice I had a more lively confidence, or in whom I saw a more invariable desire to promote the public service. In the whole course of my communication with him I never knew an instance in which he did not show the strongest attachment to truth; and I never saw in the whole course of my life the smallest reason for suspecting that he stated anything which he did not firmly believe to be the fact. My Lords, I could not let this conversation come to a close without stating that which I believe to have been the strongest characteristic feature of his character. I again repeat to you, my Lords, my satisfaction at hearing the sentiments of regret which you have expressed for his loss.

The DUKE of CLEVELAND said, that the recollection of early associations was at that moment pressing strongly on his mind; for he had had a longer intercourse and a closer intimacy with the late Sir Robert Peel than most of their Lordships. Sir Robert Peel and himself had entered at the same college, Christchurch, Oxford, in the same year. He arrived there a few months before him (the Duke of Cleveland), and, as he had never been at any public schools, and had few acquaintances in the University, Sir Robert Peel took him by the hand, and they lived together for three years in the University on terms of the closest intimacy. Unfortunately, while he was at Oxford he was fonder of pleasure than of study, whereas Sir Robert Peel was fonder of study than of pleasure. Sir Robert, however, like himself, was fond of athletic exercises. He took great delight in cricket and in boat-

rowing, and exercise on the river. Their intimacy continued during all their college life. He must also mention another incident which would never be effaced from his memory. Sir Robert Peel and himself went in a hack postchaise from Oxford together to be present at the trial of the late Lord Melville, in 1806. Now, trivial as this travelling together in a postchaise might appear to their Lordships, it made an impression on his mind never to be effaced. There were circumstances in their after lives which had not weakened the impression of early years. This was the last opportunity he should ever have of paying a tribute of affection to one for whom he had ever felt the highest regard, and whose name would be long held in remembrance by a grateful country.

The EARL of LONSDALE knew the late Sir Robert Peel when at Oxford, and they had constantly associated together. He had known his late lamented friend during the whole subsequent period of his life, and considered him one of the greatest ornaments the country had ever produced—one of the most eminent and able statesmen.

EXHIBITION OF THE WORKS OF INDUSTRY OF ALL NATIONS—THE BUILDING IN HYDE PARK.

LORD CAMPBELL said, that before his noble and learned Friend brought forward his Motion on the subject, he must permit him to present a petition. It was the petition of an architect of the name of Elger, who had erected a number of houses near Prince's-gate. Many of their Lordships would perhaps recollect the Half-way House on the road to Kensington, which was a sad nuisance. It was now pulled down, and the improvements made on its site were owing to the skill and enterprise of Mr. Elger. He had erected a large number of houses there, some of which he had sold, but some still remained on his hands. The noble and learned Lord then read the petition at length; and also a letter from Mr. Justice Cresswell, confirming the statements therein.

LORD BROUGHAM, after passing a high encomium on Mr. Justice Cresswell, to whom he should have occasion to refer for another object in the course of his speech, said that his letter was a sufficient voucher for the accuracy of Mr. Elger's statements, which were well worthy of at-

tention. He also had to present a petition, couched in language of great alarm, from eighty most respectable individuals, the owners and occupiers of that magnificent row of houses which stretches through Kensington Gore below Rutland Gate. Rutland Gate had been erected by their care and at their expense. One farthing of public money, one farthing of parochial aid, they had not received; and it only formed one portion of their complaint that all the traffic for this gigantic exhibition must pass through Rutland Gate. He must say that he did not recollect to have ever observed anything like the same unanimity of opinion upon any subject as that which existed on this. He could almost offer a reward for the production of any person unconnected with the Commission who did not express in the strongest possible language astonishment at the perseverance which had been shown in this affair, and indignation at the attempt which was made to destroy the public property in the park, and to invade the rights of private property in its neighbourhood. But it was asked why was not caution and warning given to the Commissioners before they proceeded to advertise for estimates? Now, he frankly admitted that he thought the Commissioners had some right to complain on this score, though he could take no blame to himself in the matter; for very long ago, as long as eight or ten weeks ago, he brought the subject before their Lordships, and stated without disguise his opinion regarding it. He was then held up as a very singular person, as the only individual who entertained such extravagant and eccentric doctrines and opinions (as they were called) on the subject of the Exhibition as he had ventured to express; but he supposed those charges would all be revoked now, for not only did he not stand alone, but he could not discover, with the trifling exception of the Commissioners and a few of their friends, the least difference of opinion on the subject. And could anybody wonder at this unanimity? What right had any body of persons to erect in the park a huge building, which would resemble nothing so much as, he was going to say, the Tower of Babel; but he would select another resemblance, and say a building the like of which had not been erected since the days of the Egyptian pyramids—a building that was to cover 24 acres of the finest part of Hyde Park; and which was to have in the middle of it a monstrous cupola,

larger, people said, than the dome of St. Paul's. What right had any body of men to cut up the roads in the neighbourhood, making it impossible for the inhabitants to reach their houses or leave them without the greatest inconvenience and difficulty, if not danger? There were to be 12,000,000 of bricks, and at least 40,000 tons of material in all, used in the erection of this building. The conveyance of this material would require 400 carts a day, and during working hours there would be cartage equal to one cart every $1\frac{1}{2}$ minute entering the park. That calculation was made by a respectable solicitor, who had entered upon it with evidence before him of all the facts necessary to come to a right conclusion; and his statements, he dared to say, were a great deal more to be depended upon than those which had come from some other quarters. They were to have, therefore, all these carts, for a long period of time, going into the park loaded with lime and bricks—waggons groaning under huge beams and loads of wood, extending fore and aft over the vehicles—the heavy vehicles rumbling along, that there might be no want of noise to grate upon the ear, as well as huge forms to appal the eye. These carts were to go in one perpetual discord along this unfortunate road in the immediate neighbourhood of those ill-fated individuals, many of whom now besought their Lordships to protect them from so grievous an annoyance. Why, if anything ever deserved the name of a public nuisance, this surely did. The road must be ploughed up by the carts in a way painful to think of. If it were paved, like the streets before M'Adam's invention was heard of, instead of gravel and sand and road metal, even then the stones must have been ground to powder by such an accumulation of cartage; but to have hundreds of carts going along in addition to all the omnibuses and carriages, carts and waggons, that constituted the ordinary traffic, was it not clear that, by such a reduplication of the traffic, the road would be literally ploughed into furrows? He would say nothing of the steam-engine more than this, that when they were told it was to be constructed on the principle of consuming the smoke, his experience had informed him that in all such cases the result was, that the smoke was partially consumed, and that partially it was found tainting the air around. But, to pass from

that point, he seriously called upon their Lordships to reflect upon what would be the inevitable consequences of having in that quarter of the metropolis the congregation of such countless multitudes as would by this exhibition be inevitably drawn thither. He looked upon this with serious apprehension. But, before dwelling upon it, he would say one word on the subject of expense. He was told that, in a financial point of view, there had already been difficulties; and he thought it was ominous to observe the considerably less confident negative that was given by the Government every time the question was broached elsewhere. Whether they meant to leave the speculators in this exhibition to their own resources, or if it was their intention to give them a grant of public money. At first the answer was, "Certainly not, undoubtedly not—our resolution is fixed—they are to rely on their own resources, and we are never to be called upon to give in any way whatever." The next time the question occurred, the answer was, "We have no reason to expect that we shall ever be called upon, and therefore we affirm that we do not expect any grant will be required." But the last time the subject was broached the denial was a shade fainter, and left on his mind the impression that those who gave that half-denial had lurking in their minds a strong suspicion that public money would be required, and that public money would be paid. The truth was, that public money would be required, and must be required, for it would be quite impossible to conduct this Exhibition without it. They were told what was done in foreign countries; but this building was not to be compared with those made of lath and plaster in Paris, and which covered four or five acres of ground, and cost somewhere about 16,000*l*. Instead of being made light and cheap, we were to have an enormous and substantial building, with a vast cupola, and which must prove ten times more expensive than the petty lath and plaster erections in the avenue of the Champs Elysées or the Bois de Boulogne at Paris. But then we are told there is an estimate, and to that estimate the builder will be kept. Now, there was not a noble Lord present who had not knowledge and experience, more or less, of building, and how difficult, how impossible, it was to get matters to go as they wished, even with an estimate. The case would not be different with the pro-

moters of this Exhibition. When the preparations had gone too far to allow them to retract, something very awkward would probably be discovered; it would be held necessary to make great alterations, and the result would be that the amount laid down in the estimate would be exceeded in order not to stop the works. On the subject of the site which had been chosen, the screw had been pretty strongly applied by the Commissioners, for they said, "You must either take Hyde Park, or no place at all." He would be able to show, however, that there was no such alternative. Where there was a will there was a way, and if the Commissioners set themselves earnestly to find out a more appropriate site, there would be no difficulty about the matter. He had said the expenses of the building would be enormous; but there was one item of expense that had not been considered. Had they examined the superintendents of police as to the means of preserving order at the Exhibition and in its neighbourhood? Only let their Lordships think of the numbers of people who would be gathered together on this occasion. All those who had great curiosity—all those who liked to run after sights—all those who had not only great curiosity, but little occupation—all the idle, and all those out of employment, whether from their fault or misfortune—all the vagrant classes of the community—of whom the police evidence stated there were from 70,000 to 80,000 in London having no visible means of subsistence—all the persons out of employment from the sister kingdom, and elsewhere—the workmen of St. Giles's, the east parts of London, Westminster, Southwark, Deptford, and Greenwich—all this class of the population, most respectable no doubt in their station—all of them would go to Hyde Park, where, beside the works exhibited, they might see lords and ladies, and princes and princesses, royalties and nobilities, statesmen and philosophers collected within the enormous building erected there. By a calculation made, about 14,000 would pass through that building every day, and twice as many every Monday, not going through in regular military procession, but in such a way as best to gratify their curiosity, and enable them to learn something by closely examining the works of art and manufactures there exhibited. There would not be merely the 2,000,000 inhabitants of London and its vicinity; but Birmingham, Liverpool, Manchester, Sheffield, and

every great town in the empire, and the country besides, would send up their tens of thousands. They would have, too, some good specimens of Socialists and men of the Red colour, whose object it would be to ferment the mass. Now, all this showed the necessity that existed for answering his question—had they taken the ordinary precaution of inquiring of the police superintendents whether they were alarmed or not at such a prospect? With the present police force, he contended it would be impossible to regulate such an assembly of people, for not even during the day, but during the night also, would their presence be necessary. How were they to prevent people bivouacking in the park? To do so they must institute a military cordon; even at present it was not possible to keep out such intruders. They got over the railing in spite of every precaution, and slept in the park; and how would it be possible to prevent this while the Exhibition continued? The police must be augmented, at least to the extent of 1,000, but probably to 2,000 additional men. Then these men must be trained and disciplined, and to make that effectual they must begin now, in order to have them fit for their duties by the time the Exhibition was opened. Now, only let their Lordships think of the expense thus incurred; 1,000 additional men would involve an expense of 50,000*l.*, and 2,000 men an expense of 100,000*l.* He would engage to prove that by examination before the Committee which he asked their Lordships to appoint. He remembered well the crowds in different parts of town at the coronation. On that occasion he was able to proceed without much difficulty in a carriage with some children, finding inconvenient crowds, no doubt, in particular places; but even had it been much worse, that was for one morning only; but this Exhibition was to be extended over several months, and the people in the neighbourhood were absolutely alarmed at the prospect. They had heard of the case of Mr. Elger, the owner of ten magnificent houses which were in the condition of shells, and advertised to be sold; but the sale had been stopped, completely stopped, as, he ventured to say, the Commissioners would be, by an injunction, which would probably soon be issued. All the inhabitants, indeed, in the neighbourhood of Hyde Park would suffer from these operations if allowed to be proceeded with. The fair in Hyde

Park, on the occasion of the last coronation, was regarded as a very great and a mischievous inconvenience; but the inhabitants, till now, little thought they were to be subjected to a nuisance ten times more mischievous, and which threatened to be permanent in its character. At all events, from May to November this unbearable nuisance was to go on. [*Laughter.*] It was all very well for those who did not live there to laugh at the use of the word "unbearable;" it was all very well for those who had no property there, who had not expended 50,000*l.* in houses which could not be disposed of, to express astonishment at his calling it an unbearable nuisance. It had been said by a philosopher, that there was nothing about which people showed so much patience and meekness, and quiet endurance, as the sufferings of their neighbours. But the question arose as to the right of any parties to do all this. The parks, since an arrangement had been made with the Crown, were vested in the Commissioners of Woods and Forests; but surely in this country no board of Commissioners would ever assert the claim of exclusive property in such places, or attempt to extrude the public from the free possession of the rights they enjoyed in them. They all remembered the well-known anecdote of Sir R. Walpole and George II.; when the King asked that Minister how much it would cost to enclose one of the parks, he replied, "No great sum—it would only cost your Majesty three crowns." The arrangement made with the Crown vested the parks in the Woods and Forests, but not to the extent of excluding the public. It was said, however, this was to be only a temporary building. Now, there were two ways of excluding a man from his property. The one was to exclude him altogether, by erecting upon his close a building that was to be there for ever. That was a total exclusion. The other was to erect a temporary building—which was at least intended to be temporary, and which it was hoped would be temporary—but which, in all probability, on account of its beautiful pillars (as people might be heard to say), its elegant arcades, its magnificent dome, and its ornamental architecture as a whole, would not be taken down at all. But even if it was temporary—if it was pulled down in a few months, for any person to tell him that to take his close, and build upon it a structure that was to stand there for months, and to cut down elms forty years

old, was no interference with his rights of property, was about the most extraordinary doctrine he had ever heard. There was a right of usage to the enjoyment of these parks given to the people, which the Government dared not take away; but there was another right in question. Petitions had been presented to that House from individuals, in which it was stated that it would be illegal to make this erection without an Act of Parliament. It might be said that was only a petition; but whose name stood first on one of those petitions? That of Mr. Justice Cresswell. He put his name to that petition, which openly, and without hesitation, questioned the legality of what was proposed to be done without an Act of Parliament. Did he say wrong when he warned the Commissioners that they might be drawn into the Court of Chancery? Did any one doubt it when they saw three or four solicitors sign their names to this petition? [*A laugh.*] That was the easiest, and he would say about the dullest, laugh he had ever heard. Those who laughed were not aware that it was not as solicitors these individuals petitioned the House. They were parties to the petition—parties who were to be injured and have their rights invaded; and when he said there were solicitors among the petitioners, all he meant to say was, that solicitors, knowing their rights, were very likely to take the law of those who invaded them. Therefore, it might have been inferred that the injurious proceedings taken in Hyde Park would yield the bitter fruit of an injunction from the Court of Chancery. Within twenty-four hours this might be realised; and he had been informed that steps were already in progress for making application for such an injunction. He certainly had been surprised to see it stated by a legal officer of the Crown that permanent buildings could not be erected without an Act of Parliament, but that temporary buildings might. He could not have believed that any one would have made such a statement as that. It was impossible such a state of matters could exist unless in cases where there might be particular covenants in the leases. It appeared that a builder of houses in this neighbourhood declared that he should be ruined if the Exhibition took place in Hyde Park, and there were many other persons in the same predicament. Where could such persons go for countenance and relief but to the

highest court of judicature in the realm, which, above all others, was bound to protect the rights and interests of the subject? It appeared that a threat had been held out that the Exhibition must take place in Hyde Park, or nowhere else. Now, he had so often seen and heard threats of this sort, that he hoped their Lordships would not suffer themselves to be biased by such a consideration, or attach too much importance to it. Depend upon it, if there were the will, the Commissioners would find the way. He had received a letter from a respectable gentleman, who represented many of the landowners of Battersea Fields. This was a little further off than Hyde Park, but he should not be sorry if the Exhibition were to be held at some point still further off than Battersea Fields; if it were held, for example, at Kew, and giving it a site, at which place there could be no objection. Why it should be thought desirable to hold the Exhibition so very near the metropolis, he could not see. If it were held at a little distance off, one advantage would be that people would not all go on the same day. Well, you have Battersea Fields, where the land could be obtained on reasonable terms, and where the Commissioners could obtain as many acres as they pleased. Some difficulty had been made upon the score of floods; but he was informed thirty-five acres might be obtained, which were so high as to be entirely removed from the chance of being flooded. There would be the great advantage of water carriage to Battersea Fields; and this, he begged to observe, would be a most material consideration, because, instead of ploughing up and destroying the roads, all the materials for the building and the objects for the Exhibition might be conveyed thither by water without the least difficulty. There was an Act of Parliament which would enable the Commissioners to give compensation to the owners of land in Battersea Fields in fourteen days by summoning a jury, and by putting in force a simple and easily-executed process, and these persons stated most distinctly in the letter before him that there would be no difficulty in obtaining land immediately to the extent of twenty acres. These points he should be able to establish to their Lordships' satisfaction if they would grant him a Select Committee. He had spoken of the building, and of the nuisance to the neighbourhood while it was erecting. But

there would be an additional nuisance when it was pulled down—if pulled down it ever should be. They would then have one of the greatest nuisances that could be inflicted on a neighbourhood, in the enormous volumes of dust, and especially of lime dust, arising from the pulling down of this vast brick building. The nuisance arising from this cause was such as those only could form an idea of, who, like himself, had had the misfortune to live in a neighbourhood where the demolition of a huge building had been going on. When the order came to pull down the building, then there would be the renewal of the cartage. The materials would have to be carried away by the same 400 carts, he was about to say, did he not recollect that there would probably be a portion of these materials which the carts would not carry away. For persons accustomed to look upon these matters with a "police eye," knew that where this demolition and cartage was going on there would always be a crowd of persons watching to see what they could pick up and appropriate. Smithfield and other parts of London harboured individuals who would be on the watch for this very purpose, and there would be the greatest difficulty in preventing them from appropriating any bits of wood and iron upon which they could lay their hands. So that unless the police force were increased in a manner which no one could recommend, there would be all the evils of such a crowd assembled for the purpose of stealing. Now, he said nothing of the loss of the property; that was the concern of those to whom it belonged. But the crowd thus assembled would be very great. True, it would be nothing like that which would be assembled at first when the Exhibition was opened; but still it would be great, and there would be peculiar inconveniences attendant upon its collection. Then there was the cartage. The carts must go into the park and go round it, either to the lower gate at Kensington, or by the upper gate inside; either way they must knock up that fine drive, which was already begun to be macadamised in anticipation, apparently, of this description of traffic. He had now stated all that was necessary to justify him in calling their Lordships' attention to this subject. He would again say, that those who expected so much good from this Exhibition, perhaps expected more from it than the result would jus-

tify. Nevertheless much good might result, and he, for one, should be very loth to have the prospect of that benefit given up by the abandonment of the Exhibition. The Commissioners might say, and he agreed with them, that it would be a pity to give up the Exhibition after they had so publicly committed themselves to it. But he could not agree that we ought to give up our best park for it. He should be sorry that it should not go on and be held somewhere; but if it could not go on elsewhere than in Hyde Park, then he accepted that alternative, and said, that much as he wished the Exhibition to be held, he had rather it should not be held at all than held in Hyde Park. He now moved—

"That the Petition presented this day on this subject, together with the Petition presented on the 27th June last, be referred to a Select Committee to Inquire into the allegations contained in the said Petition."

EARL GRANVILLE said, that the speech which the noble and learned Lord had just delivered might be divided into two parts: one relating to the share which Her Majesty's Government had taken in the Exhibition; and the other relating to the Royal Commission. It was obvious to their Lordships that there were noble Lords near him who could speak with more influence and authority than himself as to the part taken by Her Majesty's Government; and it was obvious also that there were noble Lords present, members of the Royal Commission for this purpose, who could better have defended the proceedings of that Commission; but inasmuch as he had the honour of being connected with the Government, and of being also one of the Commissioners, he thought it would be convenient to their Lordships if he made a plain statement of facts, which he ventured to offer in reply to the noble and learned Lord who had just addressed the House. With regard to the part taken by Her Majesty's Government in connexion with this Exhibition, he could only find three acts in which they had come forward at all. The project for this Exhibition, as their Lordships were aware, was current for five or six months before the close of the last year, having been originated by His Royal Highness Prince Albert, as Chairman of a meeting of the Society of Arts. The project having been discussed by the public, and received with a good deal of favour, application was made to Her Majes-

ty's Government to take such measures as would insure the confidence of the public in this country, and of the inhabitants of other countries, in the justice and impartiality with which the proceedings would be conducted—that the invitation given to persons of all countries to compete at this Exhibition should be fairly carried out—and that they might rely upon the justice of the awards. Her Majesty's Government accordingly advised Her Majesty to appoint a Royal Commission, and they consented to pay the trifling expense usually attendant upon the appointment of a Royal Commission. They also advised Her Majesty to appoint a large number of persons as members of that Commission, many being distinguished in science, others in art, and some representing the great commercial and trading communities of this country. They advised Her Majesty to appoint the Prince Consort Chairman of the Commission, and they joined with the Prince persons of different political parties, in order that the project might assume a national character, and not a mere Government undertaking. They recommended Her Majesty to appoint the noble Lord opposite (Lord Stanley) a member, as the representative of that great party of which he was the leader. The names of the Prime Minister, and some of his colleagues, were placed upon the Commission; and there were also added to it Gentlemen belonging to a still more liberal section of the House of Commons, who were the representatives of still more liberal opinions; and lastly, they advised Her Majesty to appoint upon the Commission that great man whose untimely loss was so universally lamented, and to whose memory tributes so eloquent had been paid that night in their Lordships' House. They appointed him not merely as a representative of the party of which he was the leader, but also as a man whose great talents, whose experience of affairs, and whose devotion to the Crown, were sure to make his services so valuable to a Commission which at the outset was sure to meet with considerable difficulties. Having had many opportunities of sitting with Sir Robert Peel in this Commission, he could bear testimony to the fact that not only was he of the greatest use to the Commissioners in assisting them in their decisions, but that he (Earl Granville) was astonished at the patient attention which he gave to every detail of the business that came before them. He trusted their

Lordships would forgive him if he ventured to remind them that one of the latest acts of public business upon which Sir Robert Peel was engaged was in the meeting of the Commission that took place on Saturday last. The scene upon that occasion he should never forget. It was remarkable as presenting a characteristic almost peculiar to this country, namely, the manner in which public men of all political parties could join in friendly intercourse for common objects; and it was still more remarkable as having been followed by the lamentable accident which occurred within two or three hours afterwards. He saw the right hon. Baronet sitting in friendly communication with the noble Lord (Lord Stanley) upon his left, who had paid this evening so eloquent a tribute to his memory, although diametrically opposed to him in politics. Upon his right was seated that Prime Minister who had succeeded him, to whom he had given his cordial support, and against whom he had given five hours before his first hostile vote. He should not allude to this subject, but that it was a great, although painful encouragement to him to feel that he was acting very much upon the plan which Sir Robert Peel had approved and sanctioned. If he might add anything to what he had stated, it was that, whether this Exhibition were allowed to continue, or whether it were to be brought to a speedy termination, he should always rejoice that he had seen the part which Sir Robert Peel had taken in the Commission, and that he had been able personally to receive so much knowledge from that lamented individual. With respect to the part taken by Her Majesty's Government in connexion with the site of the proposed Exhibition, he might proceed to state that, considering the favour with which the project had been received, seeing that the site of Hyde Park had been recommended by a Committee appointed for the purpose—that this particular site had been from the beginning connected with the Exhibition—and that no objection had ever been raised to it, he thought it reasonable that the noble Earl near him (the Earl of Carlisle), who was then the First Commissioner of Woods and Forests, being, as he was informed, empowered so to do by the 10th of George IV., cap. 50, should allow the erection of a temporary building in the park for the purposes of the Exhibition. He really thought that more importance had been attached to the cutting down of the trees than this part of the subject deserved.

For, what was the case? When the site was agreed upon, and when the plans were roughly sketched, so as to avoid injuring the great mass of trees near that particular site, it happened that the greatest difficulty was experienced with regard to a small clump of trees, and one old tree, which stood upon the spot required for the edifice. Now, it happened that this old tree was not very ornamental; yet his noble Friend, with a seeming ungraciousness that must have been very painful to his nature, absolutely required that this old tree should not be given up, and it was accordingly blotted from the plan. But, as the noble Earl was advised by the officers of Her Majesty's Woods and Forests that the clump of trees was of no great beauty, he consented that they should be removed in order to make room for the building. He was not aware that Her Majesty's Government had committed any other act whatever in connexion with this Exhibition; and it was thought better policy that the Government should take no step (beyond offering any facilities in their power) which should convert a great national project into a Government enterprise. He now came to the part taken by the Royal Commissioners. And here he would remark, that there were two very different classes of objectors to the site of Hyde Park. There were some who opposed the project from the beginning, who seriously objected to the Exhibition, some on private and others on public grounds, who thought it ought not to be encouraged, and who were ready to take any occasion that offered to prevent the Exhibition from taking place. Now, to the objections of these parties it was not necessary for him to reply. The noble and learned Lord had stated more than once in the course of this evening that he approved the object of the Exhibition. He had made some objection to the acts of the Commission; but he was not sure he could admit the noble and learned Lord's competency to complain upon some of these points. The noble and learned Lord had a perfect right, if he thought it his duty to do so, to warn the House of any injury to the public interests which he thought likely to accrue from this Exhibition; but when the Commissioners had decided not to apply to Parliament for the funds, and the noble and learned Lord could not therefore come before their Lordships in the character of a taxpayer to complain, the noble and learned Lord having refused to subscribe any money towards the Exhibition, had not the *locus*

standi which only his subscription could give him, to inquire into the internal management of the concern. Almost the first question which came before the Commission was as to the site. The Exhibition had been connected with one of the parks from the first; and he believed that so far back as July last this connexion had been stated in some of the journals. It had been prominently put forward in one of the most ably written and most influential papers of this country. In the *Times* of October 18, in last year, he found the following passages:—

“ At present no other site seems more likely than Hyde Park, where the vacant space between Kensington-drive and Rotten-row offers peculiar advantages. * * There seems, then, no reason to doubt that in 1851 Hyde Park will witness an assemblage more numerous, more brilliant, more beneficial, and more intimately associated with the fortunes of this empire, than the aristocratic array in which some observers are wont to read the rise and fall of our national prosperity.”

Thus, at the very earliest mention of the Exhibition, the public were accustomed to consider that it would be held in Hyde Park. When the Commissioners called upon the Building Committee to select the site, they did not, in conformity with the general opinion, think of any other site than the Royal Parks. The Woods and Forests gave their consent, but coupled with it certain onerous conditions and stipulations. They insisted upon the performance of every condition which would insure to the public the re-enjoyment of the site in even a superior state to what it was at present, and that in no long time after the termination of the Exhibition. And when the noble and learned Lord alluded to what would take place in November, when the materials would be taken away, he must remark that it was never contemplated to keep the Exhibition open so late as November. But, as the Woods and Forests had insisted in their conditions upon the removal of the materials, it was right that the Commissioners should take some margin for the purpose of closing the Exhibition. As soon as the site was decided upon, the announcement was made in the journals; it was copied into foreign newspapers, and it was officially conveyed, through the proper medium, to foreign countries; the announcement was made also through his noble Friend (Earl Grey) to the Colonies. One of the charges made against the Commissioners was, that they made public announcements of their proceedings too much

and too often. Now, what had been the expression of public discontent? A very ingenious gentleman, Mr. Leslie, wrote a letter to the Commissioners objecting to Hyde Park, and stating that Regent's Park would be better adapted for the exhibition. Inquiry was made, and it was found that there were legal difficulties which made it impossible to hold the Exhibition in Regent's Park. Mr. Leslie's letter was referred to the Commission, and by them referred to the local committee, seventy in number, and containing among them peers, gentlemen, leading tradesmen, and others. They deputed two or three gentlemen to inspect the site; which they did, and recommended that site to the Committee, begging them to continue their recommendation of the site. Then a noble Earl, the son of a noble Marquess, wrote a letter pointing out a site about two or three miles from London, which he recommended. He (Earl Granville) forwarded that letter to the Building Committee, and they found that there were valid objections to the nature of the ground so offered. In the month of April, shortly after the announcement of the intention to hold the Exhibition in Hyde Park, the rector of Chelsea received a requisition to call a public meeting in furtherance of the Exhibition. The requisitionists stated their anxiety to promote the objects of the Exhibition, which, they added, would, they considered, be advantageous to the metropolis generally, but more especially to the west end of it. This requisition was signed by a large number of peers, commoners, tradesmen, and others; and among the names he was pleased to find that of the Hon. W. Campbell, a son of the noble and learned Lord who had presented a petition to-night. It was a source of gratification to him to find that the noble and learned Lord had not then indoctrinated his son with any of those legal and constitutional alarms which he had expressed during the last few days. Not that there was originally no opposition to the proposal. About twelve weeks ago, the noble and learned Lord (Lord Brougham) brought this subject before the House on two occasions. Upon the first day he had the debate to himself; but on the second he delivered three speeches, and, considering the number of speakers who were opposed to the noble and learned Lord on every side of the House, he was only surprised he had not found it necessary to defend himself in a greater number of speeches. The de-

bate on that day excited great interest in their Lordships' minds, and that debate was perhaps more generally read outside their Lordships' House than the greatest debate upon home or foreign policy—more generally read, perhaps, than even that great debate which had taken place a few nights ago. Notwithstanding that notoriety, and notwithstanding that the proposed Exhibition had been somewhat roughly handled by the noble and learned Lord, he was not aware that a single peer, that a single public writer, or that a speaker at a single public meeting, had supported the noble and learned Lord. He was about to include the House of Commons, when he remembered that an hon. and gallant Colonel in that House had raised his voice in support of the noble and learned Lord. He did not quote this general agreement for the purpose of showing the noble Lord that he was wrong; but it did give grounds of belief to the Royal Commissioners that the site so publicly announced, and so generally canvassed, was not considered so objectionable as it was now declared to be. But matters were now changed. A great excitement had been got up, and as soon as the Royal Commissioners were aware of this feeling—not that they considered it perfectly reasonable, but as it might have an injurious effect upon an Exhibition upon which it was desirable to carry popular sympathy—they met to see whether there were any means of surmounting the difficulty, or overcoming the objections. They referred the matter to the Building Committee, which was composed of some of the most eminent engineers and architects of this country. And here he might remark that he thought it highly creditable to this country that men, every moment of whose time had a great money value, should be ready to make personal sacrifices for an object of this kind, and to give a great deal of their valuable time and skill without fee or reward to produce the plan of a building which they thought most suitable for the object of the Exhibition. To this Committee, which included among its members, Mr. Barry, Mr. W. Cubitt, Mr. R. Stephenson, Mr. Brunel, Mr. Cockrell, and Mr. Donaldson, the matter was referred, and they were requested to make a full written report as to the possibility of finding some other site which might be less open to the objections that had been urged. These gentlemen had given in a written report, and had been in

personal communication with the Commissioners. They had examined the claims of Battersea Fields, and as soon as they had stated the reasons which made it inexpedient to hold the Exhibition there, half a dozen other sites were suggested which it would take a week or a fortnight to report upon. After examining the claims of the sites which had been suggested, the Committee said (in the 15th paragraph of their Report):—

"But, even could the objections to any of these sites be removed, or could another and an unobjectionable site be pointed out, the Commissioners feel bound to state, from their experience of the time, thought, and labour necessarily consumed in the investigation, arrangement, and preparation of the great mass of details requisite to enable them to carry out this extensive work, that they are fully convinced of the impossibility of now adapting their plans to any other site, with any reasonable prospect of being able to complete the work within the time to which they stand pledged in the face of the world; and they could only regard a change of site, particularly if it should involve a change of plan, as tantamount to the postponement of the Exhibition till another year; and the Commissioners cannot shut their eyes to the fact that a postponement of the Exhibition would, under the circumstances, certainly lead to its entire abandonment."

Now, surely, these were reasons to induce their Lordships to pause before they came to a resolution that the site should be reconsidered before a Committee of that House. Why, if there were one mode more certain than another of producing delay, it would be by referring this matter to a Select Committee. Looking to the composition of the Royal Commission, of which he was so humble a member, he thought, with great respect, that it was as well calculated to form a correct judgment upon this point as any Committee of their Lordships' House. The noble and learned Lord had dwelt upon the inconvenience which would be caused to the inhabitants of that part of the metropolis adjacent to Hyde Park. He was happy to find that the parties who had some ground to apprehend inconvenience from the Exhibition, were very fully represented in their Lordships' House. It was said, that it was the practice of many of these parties to take riding exercise in the park, and it was hard that they should be debarred from recreation and exercise after the toils of the day. But their Lordships laboured under some misapprehension if they were not aware that the entire length of Rottenrow was, by express stipulation, to be kept open; and he was authorised to state, that the Woods and Forests were anxiously

considering what was the best mode of giving new accommodation for this purpose. As to the inhabitants of Knightsbridge, and the objections which they entertained, he believed he might truly say that the whole of the objections felt in any quarter upon this subject had been fully stated by the noble and learned Lord; and as regarded the probable inconveniences of the undertaking, he might be permitted to state that he preferred to trust the opinions of three eminent engineers, rather than to be guided on that point by the opinion of the noble and learned Lord. The calculations which those gentlemen had made, seemed to him much more to be relied on than any others that had yet been obtained; and he ventured to assert, with respect to the statements that they had heard from the noble and learned Lord regarding the probable traffic which the conveyance of materials for the proposed building would occasion, the noble and learned Lord was much misinformed. He, on the contrary, was enabled to state, from authentic calculations, that the whole of the traffic which would be spread over a period of six months, would not exceed the traffic for three weeks only, on any of the lines of road leading to one of the railway stations in this metropolis. As he had been reminded of the subject by his noble Friend, he might be allowed to state that a great deal of unnecessary alarm had been created by the rumours that had gone forth about the permanency of the building. Now, in answer to that, he would refer their Lordships to the 21st paragraph of the report, from which they might learn that the instruction given to the architects and engineers, who were invited to send designs, conveyed distinct instructions to them to propose plans for a building of a purely temporary character, to be erected in the most economical manner; leaving it, however, to the contractors to propose such materials as they might think the most suitable, the Commissioners at the same time protesting against the supposition that it was necessarily more judicious to construct a temporary building of perishable than of enduring materials. Although the Commissioners gave their instructions with a view to a temporary and an economical edifice, yet it was obviously necessary that they should adopt sufficient means to guard against its destruction by fire. Not only as regarded the whole of the building, but also every portion of it, they were open to suggestion. In again adverting to the

materials which had been proposed for the building, he wished to add, that the Building Committee had come to the conclusion that with a view to resale more durable materials were desirable than lath and plaster. It was much to be regretted that such groundless alarms were allowed to prevail, but he feared that the doom of the dome had been pronounced. For his own part, however, he was very far from being favourable to the use of either unnecessarily durable or expensive materials, and he should rather vote against bricks and mortar. If the building could be made of less solid materials, he should not object. There was one other point to which he wished to advert before he sat down, and that was the apprehension expressed about the danger of overcrowding in Hyde Park. Now, it did appear to him that the danger would not be rendered in any respect less by removing the Exhibition, say to a common, five or six miles from London, where it would be surrounded by gipsy encampments. It would be not more easy for the police to guard it at such a distance from London than in Hyde Park. Of the facility with which great assemblages of Englishmen could under such circumstance be induced to preserve order, he might mention the fact that at the exhibition of the Royal Agricultural Society, where 24,000 persons were present, 100 special constables and nine of the regular police were sufficient to maintain order. There was much and needless alarm upon this part of the subject; for example, at Hungerford-bridge, where there was but a very narrow gangway, 6,000,000 persons passed in six months with perfect safety and without the least disorder. Further, it would be a great reflection on the artisans of this country to suppose that under such circumstances it would not be easy to maintain order. From the evidence of the officers of the British Museum, he was enabled to state that from 24,000 to 30,000 persons visited the Museum on Whitmonday without the least disorder or damage occurring. Finally, he hoped that no delay or difficulty would be interposed. Any such difficulties would prove a great disappointment to the manufacturers and others who were at this moment actively engaged in preparing objects for the Exhibition. Impediments were also to be deprecated on this ground, that solemn invitations had been sent to foreign countries, requesting that objects suited for the Exhibition might be prepared and sent to

this country. A Royal Commission had been issued with the Consort of Her Majesty at its head; every possible inducement had been held out to foreigners; and if any disappointment were to arise, it was to be apprehended that in future other countries would suppose that nothing here was to be relied upon: it would amount to a national calamity and a national disgrace were the project, at its present stage, after all that had been said, and all that had been done, should be finally abandoned. As the noble and learned Lord had not given notice of his intention to move for a Select Committee, he did hope that he might be induced not to press his Motion. He believed it was not usual to press Motions made under such circumstances.

EARL GREY said, that the notice of the noble and learned Lord was merely that he would call the attention of the House to the subject, not that he would move for its reference to a Select Committee. When a notice was given in that form, it was always understood not to be the intention of the mover to introduce matter which might create a difference of opinion; and it was the invariable practice, out of common courtesy, when a Motion was to be made which was likely to be opposed, for notice to be given of that Motion.

LORD BROUGHAM said, it was no breach of courtesy whatever, and that his conduct was in perfect conformity with the practice of their Lordships' House. It was done every night.

LORD CAMPBELL wished to state the reasons why he supported the Motion of his noble and learned Friend. He would be better pleased if an Address had been moved to the Throne, praying that this scheme of holding the Exposition in Hyde Park might not be further sanctioned by the Crown. He did not blame either the Government or the Commissioners for what they had hitherto done; but he would very much blame them if, after the matter was fully understood, and its lamentable consequences pointed out, the project of holding it in Hyde Park were persevered in. The plan itself for the Exposition of the Industry of all nations was a most praiseworthy and deserving one, and would confer the highest honour on the illustrious Individual who had proposed it. The Government was acting with propriety in doing all they could to further the scheme; but he thought the Commissioners might have shown a little more discrimination, and might have anticipated great oppo-

sition to the locality they selected. But it would seem from the terms of their report that they were not in the slightest degree aware of this, for they stated that the possibility of the Exposition being held in Hyde Park giving offence, or interfering with the public enjoyment, never entered into their minds; they had always, on the contrary, considered that it would afford to the public the means of recreation, and of intellectual enjoyment to a great portion of Her Majesty's subjects. They supposed that the carriage of bricks and mortar, and monstrous machines, for the construction of a little city, would be looked upon as an amusing spectacle; for, in fact, they were to have a little city, built up of bricks and mortar, wood and iron, and a dome 200 feet in diameter—a dome greatly exceeding in size that of St. Paul's. But it was not to be a mere temporary occupation. It would occupy the park for two years. They were to have waggons, carts, wheelbarrows, and monstrous machines, for seven or eight months, in the construction of the buildings, and for seven or eight months more in their removal. The structure, if allowed to remain, would last as long as Nineveh. He thought they ought to have selected a site where the building could have remained—so that it might be useful for future exhibitions of a similar kind. The inconvenience would be felt not merely by those residing in the neighbourhood of Hyde Park, but by the public generally, who would be deprived of a most cheerful and healthy place of recreation. He had received a letter from a gentleman residing in Chesham-place, not the Prime Minister, but a near neighbour of his, which he would read to the House. [The noble Lord then read an extract from the letter, in which the writer stated that he had chosen the house he lived in principally on account of its contiguity to the park and to Kensington Gardens, whither his wife and children went every day for exercise and enjoyment. The writer stated that if the scheme were persevered in, his family could no longer avail themselves of air and exercise in the park, and that in effect the gates of the park would be shut against the public for two years.] He would not give any legal opinion as to the occupation of Hyde Park in this way, as the subject might come before him in his judicial capacity; but he strongly recommended the Government to consult the law officers of the Crown once more before they persevered in carrying out their intentions.

By the statute 10 George IV., c. 60, sect. 25, the Commissioners of Woods and Forests were prohibited to let any part of Hyde Park. To let it, or any portion of it, at even a peppercorn rent, was clearly illegal. And what was the object of the enactment? It was that the public should not be deprived of the benefits of the air, exercise, and recreation, for which the royal parks were intended. But the objects of the park were much more interfered with by this Exhibition, than if they were to let it out for the feeding of cattle and sheep. The scheme was, in short, a direct violation of the spirit of the enactment. What might be the result of the injunction which he understood was to be applied for, it was not for him to say; but if there was no legal objection whatever—if the Crown was empowered to cut down every stick of timber in the park—if there were power to shut the gates and to exclude the public—he still thought the Government had been most unwise in pursuing their present course. There was a provision in the Act referring to the Regent's Park that no building should be erected in it; and, in the other case, was not the objection almost as strong as if founded upon a distinct legal enactment? Was there not the prescriptive right for centuries on the part of the public to the full and uninterrupted enjoyment of that park? and was not, he repeated, that prescription as strong as any covenant? He would not make any hazardous statement as to the strict legality or illegality of the proposed occupation of the park. Some two years ago it was proposed to erect a church in the park; but such was the strong feeling shown against the project, that it was in a short time abandoned. He would make no comparison as to the morality of the two plans; but he would remark that whereas the one building would have been devoted to sacred purposes, the other, he feared, would be the scene of much immorality, and of conduct which would offend and disgust. He would be sorry, however, to see this great scheme abandoned. Great expectation had been raised regarding it; but he really thought it would be better to disappoint that expectation, than that the rights of individuals should suffer, and the public be deprived of that which they had so long enjoyed. He did not think it would at all lower us in the estimation of foreign nations to find that a scheme rather inconsiderately brought forward, was abandoned; but when fo-

reigners would find that it was persevered in against public opinion, and against the rights of individuals, there was much more reason to apprehend their censure.

LORD REDESDALE expressed himself to be decidedly of opinion that the Exhibition ought not to be held in Hyde Park. It was a subject of regret that a course more in accordance with public feeling had not been pursued by the Commissioners, whose duty it was in a matter of this sort to have acted so as to conciliate all parties.

The EARL of LONSDALE also expressed his disapprobation of Hyde Park being selected. He was not connected with the question in any way, but having at one time held the office of Chief Commissioner of the Woods and Forests, he knew that the people of London looked with great jealousy on any encroachment being made on the parks.

EARL FITZWILLIAM wished to remind their Lordships that Parliament had now been sitting five months, and though it had been known during the whole time that it was intended to hold the Exhibition in Hyde Park, yet up to this moment no complaint had been heard. For his own part he was neither connected with the Commission nor with the parks; but he certainly thought that Hyde Park was the best site that could have been selected in point of general convenience; and he was inclined to think that the noble and learned Lords who objected to it, anticipated more inconvenience to those resident in the neighbourhood than they would actually experience. He would only further add that if the erection of this building in the park took away from the enjoyment of the public in one way, it would add immensely to their enjoyment in another.

LORD BROUGHAM admitted that the Commissioners had a right to complain in being allowed to proceed so far with their designs without complaint, and now, when they had gone so far, finding this opposition to their views. He said so to the petitioners when they came to him, and their only excuse was that they never thought of the nuisance till steps began to be taken for its erection.

The EARL of ELLENBOROUGH said, though he concurred generally in the opinion of the noble Baron at the table (Lord Redesdale) as to the inappropriateness of the site, he could not admit that it was inconvenient, for he had gone to examine the place, and he found that on one side of the building there would be a barrack,

and on the other a river. Now, both of these would be very useful—the barrack in case of a riot, and the river in event of a fire. And upon this subject he would certainly recommend that among the objects of art to be exhibited, machinery for the extinction of fires ought to occupy a prominent place.

Motion, by leave, withdrawn.

BENEFICES IN PLURALITY BILL.

LORD LYTTTELTON moved the Second Reading of this Bill, which he said would have been better entrusted to one of the right rev. Bench; but as those who had charge of this Bill in the Commons were of opinion it would be better in the hands of a lay Member of their Lordships' House, as he was in favour of the principle of the measure, and as he had taken care that it should be submitted to the judgment of the right rev. Prelates, who had generally concurred in its favour, he had no objection to take charge of it. One of the provisions of this Bill was, that pluralities should be permitted only when the two parishes to be held together were contiguous—that is, he presumed, when they touched each other at any one point. But as the two parishes might be widely apart, notwithstanding it had been suggested as an Amendment by a right rev. Prelate that the parish churches should not be more than three miles apart, another provision of the Bill, as it stood at present, was, that the yearly value of the two livings should not be more than 100*l.* a year each. He believed that did not express the meaning of the framers, and he proposed in Committee to alter it, so as to make it lawful to hold a plurality when one only of the livings was less than 100*l.*, no matter what the value of the other might be. With these alterations, which he meant to move in Committee, he moved the second reading of the Bill.

The BISHOP of LONDON expressed his general acquiescence, and that of his brethren on the bench, in the general principles of the Bill. He thought, however, that Amendments could be introduced at a future stage which would greatly improve it, and prevent its causing hardships that might otherwise arise.

The BISHOP of SALISBURY also concurred in the general principles of the Bill; but he complained that a Bill of this nature, affecting one of the great institutions of the country, should have been introduced into the other House of Parliament, with-

out any communication being held with the Prelates of the Church, or even, he believed, any Member of Her Majesty's Government. He was of opinion that any person coming forward with an amendment of the law on this subject, should be in communication with the members of the Church or the Government; and that not being the case, and the Bill coming before them as the Bill of a private Member of the other House, he was entitled to assume and to state that it did not come before the House with the approbation of the bench of bishops. He would have been glad if the measure had been introduced under different circumstances. It was a Bill which had for its object to amend the Act which had been passed twelve years ago with respect to pluralities; and it would have been desirable that its provisions should have been made as extensive as possible, and that it should have embraced cathedrals and the cures of souls attached to them, as well as other pluralities. It would have been advantageous if a restriction were placed on the holding of cures of souls attached to cathedrals, which were situated a certain distance from the cathedrals, and he had expected that such a provision would have been introduced into the Bill. He had, however, been disappointed in that expectation, and would, in consequence, have proposed a clause to that effect, were it not that the noble Lord at the head of the Government had introduced in another place clauses having that object in view, and in which he was disposed to acquiesce. He had also been informed that a friend of his in another place had given notice of his intention to bring forward clauses with the same object; and as the whole subject of the cathedral establishments of the country would then be considered, he would not then attempt to introduce matter which, under the circumstances, would be extraneous. He thought they ought to carry the limitation of pluralities to the greatest possible extent consistent with the due performance of the duties of the Church; and he believed the existing law was capable of some further limitation; but he was nevertheless of opinion that the Act of the 2nd of Vic. had been productive of much benefit. He held in his hand a return showing the restrictions which had taken place during the last ten years under the existing law. He found that at the passing of the Act of the 2nd of Vic., in 1838, there were 4,307 non-resident incumbents, of whom, how-

ever, 1,184, though not resident, were performing the duties of their cures; and that in 1849, the 4,307 non-resident incumbents had diminished in number to 3,094, showing a diminution of nearly 1,300, which was a satisfactory proof of the working of the existing law. He found by the same return, that in 1838 the number of resident incumbents was 5,859; but that in 1848 that number had increased to 7,779. In 1838 the number of incumbents doing duty was 7,043, while in 1848 the number was increased to 8,893. In 1838 the incumbents in resident houses were 7,364, but in 1848 they had increased to 7,917. In 1838 the curates of non-resident incumbents were 3,078; but in 1848 that number had diminished to 1,911. In 1838 the curates of resident incumbents were 1,725, but in 1848 that number had risen to 2,998, showing an increase of nearly 1,200. These figures, he conceived, were therefore a satisfactory proof of the beneficial working of the existing law.

LORD LANGDALE said, he hoped some provision had been made in the Bill with respect to the members of the congregations, as that was an important matter.

LORD LYTTTELTON replied in the affirmative.

Bill read 2^a.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 4, 1850.

MINUTES.] PUBLIC BILLS.—1^a Crime and Outrage Act (Ireland) Continuance; General Board of Health (No. 2).

2^a Home-made Spirits in Bond.

3^a Pirates' Head Money Repeal Act Commencement; Sheriff of Westmoreland Appointment.

MR. SPEAKER took the chair at Twelve o'clock.

DEATH OF SIR ROBERT PEEL—ADJOURNMENT OF THE HOUSE.

SIR G. GREY said: I rise, Sir, to ask the House to agree to the postponement of the whole of the public business which stands upon the Paper for twelve o'clock this day, until after the other Orders of the Day shall have been disposed of in the course of the evening sitting. I regret that the House has been put to the inconvenience of meeting thus early to-day; but as the orders which now stand for twelve o'clock were fixed several days since for consideration upon the morning sitting of to-day, it was unavoidable that the House

should meet upon the present occasion. But, as my noble Friend at the head of the Government is anxious to take the first opportunity of the meeting of the House, and before entering upon the discussion of public business, to express the feeling—the deep feeling—which he, in common with every Member of Her Majesty's Government, and every Member of the House, must entertain with respect to the melancholy occurrence which has so recently taken place, and he considered it better that that expression of feeling should take place at the ordinary hour of meeting, and when the House would be full—I would therefore ask the House, having now been constituted, to allow you, Sir, to take the chair again at half-past four this evening, when my noble Friend will be in his place. I hope the House will consent to this course, and that no discussion will take place upon this occasion. I wish, however, to add one word, in order to express my deep regret, and to apologise to the House personally and on my own account, for being unavoidably absent yesterday, my noble Friend not having been present. It is, Sir, a matter of the deepest regret to me; had I been present, I should certainly have joined most cordially in that appropriate mark of respect which the House, upon its first meeting after the melancholy event took place, paid to the memory of that great man who has been thus suddenly removed from us by the dispensation of Providence.

The House adjourned at half-past Twelve.

DEATH OF SIR ROBERT PEEL.

The House met again at half-past Four o'clock.

LORD J. RUSSELL having brought up the Report of the Commissioners of the National Exhibition for 1851, on the subject of the proposed site in Hyde Park, said: Mr. Speaker, in moving that these papers lie upon the table, I will ask the House to allow me to take this opportunity of mingling my voice of sorrow with that of the House in general, at the great loss which this House and the country has sustained. Sir, at the first contemplation of that misfortune it is impossible not to be overcome with a feeling of awe—that one who, so late as Friday night last, informed the House by his judgment, and took a part which became him in one of the most important discussions of the year, should already be mingled with the dead, and

that, Sir, not by an attack of disease gradually overcoming nature by the exertion of its power, but by one of those common accidents by which we are apt to think that a life so gifted could hardly be taken from us. Sir, in speaking of that great man, it is impossible not to reflect that hereafter this House will no longer be guided by that long and large experience of public affairs, by that profound knowledge, by that oratorical power, by that copious yet exact memory with which this House was wont to be enlightened, instructed, and guided. It is not for me, or for this House, to speak of the career of Sir Robert Peel: it never happened to me to be in political connexion with him; but so late as that last debate to which I have alluded, I took occasion to thank him for that fair and frank support which he had given to the present Government. Sir Robert Peel, in that speech which preceded the one which I addressed to the House, in speaking against the policy of the Government, spoke with such temper, with such forbearance towards all those who might hold opposite opinions to his own, that it must be a satisfaction to those who remain that his last address in this House should have been one of such candour and of such kindness to all around him. There can, I think, be no doubt that, however history may deal with the wisdom of the career which he pursued, it will be admitted that upon two great occasions when he held power undisturbed, and apparently with almost perfect security, and when he proposed measures to this House which shook, and afterwards subverted, his power, that he did so from the motive of deep love to his country, and from that deep sense of duty which always distinguished him. Of these occasions I shall not speak; but there is one part of his career to which I would wish but briefly to refer, and of which I trust I may be allowed to speak, because I feel it due to him to pay that tribute which has not perhaps been hitherto paid to his merits. I allude to that period which elapsed from 1832 to 1841. After the contest which took place upon the Reform Bill, it was to be dreaded that those who had opposed that Bill, expecting results from it calamitous to the country, would have retired in disgust from public contests, and thereby have left a war of classes to be carried on which would have involved permanent injury to this country. I consider Sir Robert Peel to have been

the man who prevented such a contest from taking place. Although he had opposed the Reform Bill, yet he addressed himself manfully to the situation in which he was placed; he addressed himself to the country on behalf of those principles of which he was the most able defender; and brought back again the various powers of the State into harmony, and showed himself not afraid of abiding by the verdict of the people upon these measures and principles of which he was the advocate. I consider that great service was thus rendered by him to the country upon this occasion. Without entering, however, into the merits of that distinguished man, I think that a man so gifted, having the means of living apart from the struggles, the contentions, and the labours of political life, and having likewise a love for literature and a taste for art which might well have enabled him to live a happy life, apart from all political contests—the example, I say, of such a man devoting himself to the labours which a Parliamentary position imposed upon him, for the advantage of the people, is an example which ought not to be lost, and which I hope will not be lost, on the people of this country. With respect to those questions upon which he differed from a large portion of this House, I do not wish now to enter into or discuss them; but this I must say, that my testimony will always be, that the harmony which has prevailed for the last few years, and the safety which we have enjoyed during times of trouble and contention in this country, have been mainly owing to the course which the late Sir Robert Peel thought it his duty to follow. With these feelings, I wish to say, that if it should appear to the friends of Sir Robert Peel that it will be desirable to take that course which was taken upon the death of Mr. Pitt, I should, for my own part, though I shall not proceed to make any Motion, or raise any discussion on such a subject, give my willing support to any Motion that may be made for a public funeral. Or if it should be thought that the example which was adopted with respect to the funeral of Mr. Grattan should be followed, I should be ready to concur in any course of that kind. I may, perhaps, be permitted to add, that, thinking it right to obtain the sanction of the Crown before I made any such proposal, I feel assured that anything which could do honour to the memory of Sir Robert Peel, or which could add any further tribute of respect to

his name, would be unhesitatingly sanctioned by the assent of Her Majesty. Sir, I wish, in concluding these few words, to say, that I place myself entirely in the hands of the nearest friends of the late Sir Robert Peel. Having had no political connexion with him myself, perhaps this proposal may come more fitly from me, as not being moved by any partiality; but I do feel that this country now, and that posterity hereafter, in reckoning the names of eminent statesmen who have adorned the annals of this country, and have contributed to their lustre, will place that of Sir Robert Peel among the foremost.

MR. GOULBURN then rose, and said: Sir, I am sure that the House will not consider it unnatural or unbecoming, if, after what has fallen from the noble Lord at the head of the Government, I, who have had the inestimable advantage of being connected with the late Sir Robert Peel in the most intimate bonds of friendship for above forty years, as one selected by him as one of those who are to carry into effect his dying directions, and as being authorised by his family to speak their feelings on the subject—I address a few observations to the House. Sir, I do not rise with the view of adding anything (it would be impossible) to the testimony the noble Lord has borne to my late right hon. Friend's abilities, exertions, and public services. And if I were to attempt to enter upon other topics, Sir, the wound his friends have received is too recent to admit of their being touched upon, and the tongue would fail to utter what the heart is too full to express. Sir, I rise merely to express to the noble Lord and to the House the feelings of his friends and his family with respect to the proposition the noble Lord has intimated his readiness to make. Sir, I accept the proposition on their behalf, with the strongest gratitude, as an acknowledgment of the gracious disposition of the Crown as to the merits of a great public servant; and I accept it with equal gratitude as the highest tribute which the House of Commons can pay to any individual, however eminent or exalted—that of offering a public funeral. I feel deeply, Sir—and I speak on the part of the family—we feel deeply the honour of having such a proposition suggested by the First Minister of the Crown, and responded to, if I mistake not, by the unanimous assent of the House. But I must be permitted to state one other feeling which influences our decision on the matter. Those who are unacquainted

with the private character of my late right hon. Friend have little idea of the simplicity of character which was in harmony with all his other great qualities. If ever there was a man desirous to avoid pomp and ostentation, that man was Sir Robert Peel. And such pomp and ostentation he particularly reprobated in connection with funerals. At a very early period of my acquaintance with him, these feelings have been expressed, and have been continued down to the latest moment of his career. And as the House might think it not consistent with what was due to their desire and their feelings on the occasion, if reliance were placed upon opinions privately expressed to an individual friend, I will read to them an injunction contained in a will my right hon. Friend signed on the 8th of May, 1844, when he was in the full plenitude of power—at the head of a large party in this House, and when the measures he had brought into Parliament had been crowned with a success even transcending his own expectations, and when, if any man could have been swayed by fortunate circumstances or the desire of public renown, it was the man who penned the passage I am about to read:—

“I desire that I may be interred in the vault in the parish church of Drayton in which my father and mother were interred, and that my funeral may be without ostentation or parade of any kind.”

Nor, Sir, did these sentiments undergo any alteration, for not later than six weeks since, when an alteration was made in that particular church to which this memorandum refers, Sir Robert Peel pointed out to Lady Peel, on an inspection of the church, the very spot in the vault in which he wished and trusted his body would be laid, without any of that parade and ostentation which, in all cases, he so earnestly deprecated, and the absence of which he so admired and approved in the case of the funeral of the Queen Dowager. Under these circumstances, I am sure the House will feel that I have but one duty to fulfil—that his family have but one wish to express—and that is, thankfully to acknowledge the intention, both of Her Majesty and Her Parliament, in conferring upon him what I before stated is the greatest honour that can be paid to a subject by the Commons' House of Parliament; but at the same time to say they are compelled respectfully, but firmly, to decline the proposition. It is no doubt a satisfaction to all of us who were connected with him to

have had this tribute of respect paid to the man whom we admired as a statesman, and whom we loved as an individual friend; and I only entreat his House that, in addition to the mark of respect which they have paid to his abilities and public services, they will consent to pay this further mark of respect to his simplicity of character, and give effect to his intentions as to the manner in which he wished to be buried; and I feel sure that the House of Commons will readily comply with the wish his friends have expressed, because they have already recorded in the most feeling manner their sense of his high merits by spontaneously adjourning, the moment his decease became known—an honour that will live for ever in the journals of this House, and which I believe was never before paid to a subject, whatever might be his station. Under these circumstances, I throw myself on the indulgence of the House, that they will not feel, in declining the proposal, there is anything but a sense of the deepest gratitude for the offer made, which I trust they will not force, as it is one we should feel it our duty to resist. I will only further entreat the House, upon a subject of this nature, when the wound is so recent, and the feeling so strong, that this discussion may not proceed.

MR. HERRIES: Sir, my reason for venturing to ask the attention of the House for a very few moments is simply this, that it happens that I am the oldest friend connected with that great political party which occupies so large a space in this House, who was intimately acquainted, politically and privately, with the late Sir Robert Peel. Through all the various successions of political changes from the year when I first had the honour of a seat in this House, to the year 1841, it was my fortune to be connected with Sir Robert Peel, not merely by political relations, but I have to boast of it as one of the proudest circumstances of my life, that I was on terms of intimate personal friendship with him; and I shall add that when, after a separation for some time, returning unfortunately in opposition to him on measures of the greatest importance and deepest interest—returning to oppose conscientiously measures on which that great statesman had embarked his political reputation, not the slightest disturbance was made in that personal friendship. I should in vain attempt to pronounce on this occasion an eulogium or panegyric on him. I rose only to add to that universal expres-

sion of admiration which the mention of his name has called forth, my testimony to those feelings of regard with which his memory is cherished, feelings which spring from the very heart, and which I believe I may confidently say I know to be the feelings of those who surround me. No reminiscence of diversity in respect of political opinion will for one moment be allowed to mingle with the sentiments of profound sorrow at the occurrence of the melancholy accident which has deprived the country of its most eminent statesman, and this House of its most distinguished ornament.

BUSINESS OF THE SESSION.

LORD J. RUSSELL: I mentioned, Sir, the other day, that the debate on the foreign policy of the Government having disarranged the order of public business, I intimated a short time ago that I should state to-day what course the Government intended to take with respect to certain Bills, and whether we should go on with them in the course of the present Session or not. I think it quite a reasonable proposal to make that when Bills have not been a long time before the public, we should not send them up to the other House of Parliament at a very late period of the year, when they can hardly be expected to undergo discussion. That remark does not apply to measures relating to the revenue; and therefore I can say that my right. hon. Friend the Chancellor of the Exchequer will proceed with the Stamps Bill when he can find a day for that purpose. The Government are of opinion that they ought to proceed with that Bill. The next Bill I would mention is one of very great importance, upon which the House has decided in favour of the principle by a very considerable majority, I mean the Bill for the abolition of the Lord Lieutenancy of Ireland. But, from what has already taken place, it appears that there will be a good deal of discussion as to the mode in which the power to be exercised by the Crown should be exercised in Ireland; and that discussion would probably extend to so late a period of the month, that the Bill would probably not reach the other House till the beginning of August. That, I think, would be too late to propose a very large change in the customary mode of governing Ireland; and, having obtained the assent of this House to the principle of that Bill, I don't mean to proceed with it in the course of

the present Session. Another Bill affecting Ireland—with respect to which there has been much objection to the measure as introduced, and other proposals have been made which we think so much opposed to the original principle that they can hardly be admitted—I mean the Securities for Advances (Ireland) Bill, will come under a similar description, and that will also be postponed. The Ecclesiastical Commission Bill has been already before the House of Lords, and was intended to be brought on a few days ago. It now stands for this day. I propose to go on with it on Monday, hoping we shall be able to legislate on the subject this Session. The Mercantile Marine Bill, proposed by my right hon. Friend the President of the Board of Trade, will likewise be proceeded with, and I should propose that the House should sit on Monday, at 12 o'clock, for the purpose of proceeding with that Bill. My right hon. Friend would have proceeded with it to-day, but that we understand there are objections on the part of certain persons who have taken a great interest in the subject, to our going on with it to-day. The Merchant Seamen's Bill I don't think we shall be able to proceed with in the present Session. The Woods and Forests Bill, which is a measure for the rearrangement of that department, and which has met with general assent as regards the principle, yet requires a good deal of alteration in detail; and I don't mean to proceed with that Bill either in the course of this Session. After Monday I shall propose that we proceed with the votes in supply. I wish to give three days, Friday, Monday, and the Friday following, for the purposes of supply, there being many votes yet remaining, and these votes of supply ought, I think, to be taken as soon as possible while this House is still well attended. There is very great inconvenience in protracting the Session of Parliament to a period when many Members find it necessary to leave town, and are unable to give their attendance at the discussion of important measures. There is one other Bill which I don't mean to proceed with, namely, the Railway Audit Bill. If there is any other Bill on which information is desired, as to the course we mean to pursue, I shall be ready to give such information. [An Hon. MEMBER: The Parliamentary Oaths Bill?] With respect to the Parliamentary Oaths Bill, I mean to go on with it. I shall fix it for this day fortnight. I cannot state our in-

tention with respect to every Bill that stands on the Order-book. But I mention these Bills that the House may at once know we are not to proceed with them. We propose to proceed with the Charitable Trusts Bill in the morning.

HYDE PARK—EXHIBITION OF 1851.

SIR DE L. EVANS presented a petition from certain persons residing in the vicinity of Hyde Park, against the appropriation of a portion of the park to the buildings for the Exhibition of 1851, complaining that the effect would be to depreciate their property for two years, and praying the House to interpose so that they might not be put to the expense of legal proceedings for the purpose of preventing such appropriation.

COLONEL SIBTHORP then brought forward the Motion of which he had given notice. He said he was confident that a more vague, unsatisfactory, and inconclusive report had never been submitted for consideration. The replies of the noble Lord at the head of the Government to the inquiries which had been made on the subject, were also very unsatisfactory; and that of the hon. and learned Attorney General to the inquiry made a few days ago with respect to the legality or illegality of the proceedings which had taken place, without previous intimation on the part of the Woods and Forests, not only deserved to be characterised in the same terms, but, however presumptuous it might seem to question the authority of the first law officer of the Crown, the opinions expressed in another place by two very distinguished and noble Lords, both of whom had held high judicial offices, warranted the assertion that the reply of the hon. and learned Attorney General was not in accordance with constitutional law. The Woods and Forests, as trustees for the public, were bound to preserve, protect, and improve the property intrusted to their care. The trees in Hyde Park were cut down at the mere caprice of the Woods and Forests before any sanction for their demolition had been given under the sign-manual. Nine trees out of ten were felled; the tenth was left to represent the First Commissioner of Woods and Forests. The Commissioners came like a thief in the night, and cut down those beautiful trees. A gentleman who lived near the Park, and paid 110*l.* a year ground rent for his house, had told him that he was admiring the trees one evening before he went to

bed, and when he got up in the morning to shave, they were gone. The gentleman thought that some thieves had run away with them; for it did not occur to him to suspect the Commissioners of Woods and Forests. It was reported that more trees—sixteen he was told—were to be cut down. If the Commissioners had left the beautiful elms alone, and cut down some decayed trunks which were used for purposes objectionable to the olfactory nerves, the public would not have censured them. As to the objection for which Hyde Park was to be desecrated, it was the greatest trash, the greatest fraud, and the greatest imposition ever attempted to be palmed upon the people of this country. The object of its promoters was to introduce amongst us foreign stuff of every description—live and dead stock—without regard to quantity or quality. It was meant to bring down prices in this country, and to pave the way for the establishment of the cheap and nasty trash and trumpery system. It would better become the promoters of this affair to encourage native industry, and support the industrious people of England, from whom they drew all they possessed. “Live and let live” was his maxim. It was painful to hear the accounts that daily reached him of the measures resorted to to compel industrious tradesmen and mechanics to contribute from their hard earnings to the furtherance of a scheme directly inimical to their dearest interests. The report which the Commissioners had published at the eleventh hour contained this passage:—

“Considering the importance of the undertaking, and the circumstances attending its promulgation, the selection of the metropolis as its intended locality appears to be both natural and proper.”

He ventured to dissent from that opinion; but, whatever might be said as to the metropolis generally, the selection of Hyde Park in particular for the site of the Exhibition seemed to be both unnatural and improper. The Commissioners alleged that Hyde Park was the most central and accessible part of the metropolis, but everybody knew that was not correct. It might be most accessible from Downing-street, but it was not so from the most populous part of London—the City. There was neither canal nor railroad running to Hyde Park. In the confusion caused by the operations of workmen, and the carting of materials in hundreds of waggons, there

would be no end of accidents. That was a serious objection to the proposed site, independently of the nuisance to the inhabitants of the neighbourhood, whose ingress and egress to and from their own houses would be completely interrupted. All the bad characters at present scattered over the country would be attracted to Hyde Park as a favourable field for their operations, and to keep them in check an immense body of police must be constantly on duty night and day. That being the case, he would advise persons residing near the park to keep a sharp look-out after their silver forks and spoons and servant maids. The public press had condemned the selection made of Hyde Park for the site of the Exhibition, and pointed out other places more suitable for the purpose. Now, what he wanted was the appointment of a Select Committee to inquire whether this absurd Exhibition should take place at all; and if that should be decided in the affirmative, then to determine what would be the most fitting site for it. It had been calculated by some persons that the building for the Exhibition would cost 100,000*l.*; but he had been informed by one of the most eminent practical men of the day that it could not be completed for less than 200,000*l.* Where the money was to come from he knew not, unless the Chancellor of the Exchequer was to be called on. He must say that a more wildgoose chase, a more undefined scheme, a more delusive or dangerous undertaking never had been attempted by any man. And who was to pay for it all? John Bull. And who was to give the prizes for the things exhibited? John Bull. [*Loud cries of "Divide, divide!"*] Ah! he supposed that those who cried "Divide, divide," were some of the Commissioners, or those who had given a shilling a piece to the fund. [*Laughter.*] They might laugh. He felt it to be his duty to speak against, and to vote against a project which he believed to be prejudicial to the country. He would never subscribe a shilling to it, and he would press his Motion in order that there might be at least that due deliberation which ought to be given before any further step was taken in this rash and intemperate course.

Motion made, and Question proposed—

"That the Report respecting the proposed Exhibition in Hyde Park in 1851 be submitted to a Select Committee of this House, for the purpose of examination and due consideration of the same; and that the Report of the said Select Committee be laid upon the Table of the House, and that

the sanction by this House be given to such Report before any further proceedings on the part of the Commissioners, with regard to the said Exhibition, shall be proceeded with or adopted by them."

MR. ALCOCK, although he disclaimed participation in many of the sentiments expressed by the hon. and gallant Member for Lincoln, was nevertheless so thoroughly persuaded of the necessity of referring this important question to the consideration of a Select Committee, that he would not hesitate to second the Motion. He did not object to the Exhibition. He had no hostility whatever to the scheme itself. On the contrary, he wished it every success; for he believed that it would tend materially to the advantage of the country, and that it would do honour to the Illustrious Personage with whom the idea had originated; but he had serious misgivings as to Hyde Park being the very best site that could have been selected for the erection of the enormous structure which it appeared would be required for the purposes of the Exhibition. The advantages of such a site as Hyde Park were few and questionable; whereas those of such a place as Battersea Fields were very numerous, and must be obvious to all. No place could be selected which would be easier of access, both by rail and water, than Battersea Fields. The desirability of selecting a position to which there would be abundant facilities of easy and cheap communication in both ways, would be at once apparent when it was taken into consideration that on an average 150,000 persons travelled by omnibusses, and at least as many by steamboats, in London during the course of a single day, and that on one day last summer the number of persons who travelled up and down the river between London Bridge and Chelsea amounted to no less than 324,000. Two objections had been urged against the selection of Battersea Fields as the site for the contemplated edifice; but he would at once abandon his opposition to the suggestion of the Commissioners, and never say another word upon the subject, if he should not be able to demonstrate to the satisfaction of the House that those objections were utterly destitute of foundation. In the first place, it was urged that there could be found in that locality no strip of land of sufficient length for the site of the intended building; but he was in a position to state most authoritatively that for such an apprehension there was not the smallest pretext in truth.

He was prepared to state that a quantity of land, not less than thirty-five acres—which was double the complement that would be required for the site of the edifice—might be procured in Battersea Fields by to-morrow morning, if necessary. It was true, that upon those thirty-five acres might be found one or two pieces of land of which it would not be practicable to obtain possession in the course of a few hours; but he was sure that the hon. and learned Gentleman the Attorney General would bear him out in the assertion that, no matter what opposition might be offered by interested individuals, the Chief Commissioner of Her Majesty's Woods and Forests might be put in occupation of those plots in the course of fourteen days, by empanelling a jury to decide upon the sum to be granted by way of compensation to the proprietors. This might be easily done if it should be found absolutely necessary to have possession of all the plots in question; but what he was prepared to maintain was, that no such necessity in point of fact existed. Even though those plots should not be in the possession of the Commissioners, the site of such a building as the one contemplated would not be in the least interfered with. All he would say further on this point, therefore, was, that an adequate quantity of land might be procured with ease at Battersea Fields, and that he would himself undertake to procure it before Monday. The second objection that had been made to that site was, that the fields were below the Trinity House highwater mark; but this, too, was a mistake—at least, it was a mistake so far as the argument for the site was concerned, for though it might be true that some parts of the fields were below the standard water mark, it was equally certain that the precise portion of the fields which he had in view was ten feet higher than it. If the site which he advocated were determined upon, there would be no necessity for making the least alteration in the plan or design of the edifice. No matter what might be said to the contrary, he would take leave to assure the House—and he was certain there was not a competent architect in England who would not agree with him in the assertion—that there was no building that could be erected in Hyde Park which might not with equal facility be constructed in that particular portion of the Battersea Fields to which he was referring. Moreover, there was this other important considera-

tion to be kept in view, that such were the facilities of communication by rail and water with the latter locality, that bricklayers, masons, and carpenters would be able to do more there in the way of building in the course of three or four months, than they would be enabled to effect in such a place as Hyde Park in eight or ten. If it should be found necessary to erect a wooden bridge from Ranelagh to the Red House, the thing might be done with ease, for, in the year 1846, an Act of Parliament was passed to enable such a structure to be erected whenever the occasion for it might arise. He had no interest to serve in this matter, and once again he must disclaim the idea of being actuated by any feeling of hostility to the Exhibition.

SIR B. HALL said, he had understood the noble Lord to say, on a former occasion, that the House would be better able to come to a conclusion after the production of the letter of the Commissioners, which had lately been laid on the table, and they would then have the means of estimating the reasons for the selection of Hyde Park. Now, he would endeavour to draw the attention of the House to that very document, to show the reverse of that conclusion, and that that site ought not to have been chosen. He should confine his remarks to the site. For his own part, he had no objection whatever to the Exhibition, but great objection to the site; and, as regarded the public, the moment they saw the dilapidation about to be committed on what they conceived their property, questions regarding the intentions in that respect had been put to the Government in that House. It had been proposed to him that he should oppose and endeavour to put aside the site now chosen; but his answer at first had been, that he must decline to do so, because he was afraid, if he did so and succeeded, that the Commissioners would bring their Exhibition in the midst of his own constituents in the Regent's Park, where they certainly had no wish for it to be. The House would probably recollect that, several years ago, it had been a very troublesome and difficult matter to secure that park for the enjoyment of the public, although the fields which formed its site had been taken from them—the fields forming its site having been open to them for years antecedent. But as he had since heard that the Commissioners could not take the Regent's Park for their Exhibition, in consequence

of certain provisions in the leases granted by the Crown on the Regent's Park Estate, he felt himself at perfect liberty to take the course he now proposed. He (Sir B. Hall) wished now to call the attention of the House to that document, a copy of which he held in his hand. Like a lady's letter, the most important matter was to be found in the postscript. In the 27th paragraph, the Commissioners said that they had confined themselves principally to the question of site, and that the possibility that the bringing the Exhibition into Hyde Park would be considered as an interference with the enjoyment of the park by the public had never entered their minds. He supposed that it had not; as if they had reflected on the matter for a moment, it must have been obvious to them, that taking from the public one of the most delightful places of recreation, must have been objectionable to them. He begged to call the attention of the House to the 22nd paragraph. Upon the cutting down of the trees, the Commissioners said—

"Another ground of apprehension is stated to be, lest the park should be injured by the erection of the building, and the injury should continue after the structure is removed. This apprehension is, however, groundless; a small clump of ten trees has been allowed to be removed, in compensation for which it is proposed by the Commissioners of Woods and Forests to plant another clump elsewhere."

What innocent simplicity in a public document! They cut down ten trees; true, they were forty or fifty years old, but they would plant ten more, and in forty or fifty years more, when the present generation was dead and gone, the fault would be repaired. The Commissioners went on to say, that—

"As regarded the surface of the ground, it would not be injured, but would ultimately be materially improved by being drained, and freshly sown with grass seed."

Surely if the land wanted draining it should be done irrespective of the Exhibition; and they all knew that when a park was once broken up, it took years before it recovered a sward like that in Hyde Park. He would now return to paragraph 4, and he wished to call the particular attention of the House to the dates. They said that—

"Although Hyde Park, and even the particular space now in question, had been already mentioned before the issue of the Commission, and, indeed, so far back as October 1849, as a probable site for the Exhibition, it is unnecessary to assure the Lords of the Treasury that the Commissioners

approached the question of the site, after their appointment, without having in any degree prejudged the merits of particular localities. On the 14th of February, their attention having been directed to the importance of determining the site by the committee then recently appointed for all matters relating to the building, they deputed two Commissioners—namely, Earl Granville and Mr. Labouchere—to wait upon the Chief Commissioner of Woods and Forests, and to confer with him upon the subject. The result of this conference is set forth in the report presented by the Building Committee at the next meeting of the Commissioners (February 21), of which the following is the portion which relates to the question of the site."

Now, it appeared that these Commissioners waited on the Earl of Carlisle on the 21st, and that on that very day the Commission had to determine on the comparative merits of these sites:—

"With respect to the site, it appeared to your Committee that, firstly, the north-eastern portion of Hyde Park; secondly, the long space between Her Majesty's private road and the Kensington-road, in the southern part of Hyde Park; and, thirdly, the north-western portion of Regent's Park, are the only available spaces about the metropolis which would afford the necessary accommodation; and it is believed that the order in which they have been named represents also their relative eligibility."

But they decided on the same day without further consideration, giving the preference at once to Hyde Park.

"The Commissioners prepared and published a statement explanatory of the nature and objects of the Exhibition, which was widely circulated in this country, was forwarded to our consuls abroad, and to the foreign consuls in England, and was officially transmitted by the Secretary of State to all foreign Governments, and to all the Governors of the British colonies as well as to India."

When had they published that statement? They had only agreed upon the site on the 21st, yet on the 28th they—of course after a great deal more consideration—published it, and they announced in this statement that

"Her Majesty has been graciously pleased to grant a site for the purpose (of the Exhibition) on the south side of Hyde Park, lying between the Kensington-drive and the ride commonly called Rotten-row."

So the Committee was appointed on the 14th of February, waited on the Earl of Carlisle on the 21st, considered the report of their Commissioners on the same day, and on the same day also it appeared that they had Her Majesty's sanction. There was another point which required some consideration. The matter had been under consideration some months ago, and then the whole was to be got up on contract, and some person—Mr. Munday, he believed—was to carry it all out, and there was to be no subscription, no application for

money, public or private. Had the Queen's consent been given upon that understanding? The House had heard nothing with respect to that part of the transaction. In paragraph No. 8, the Committee said that the site had not been selected without due consideration; and they went on to say, in another part of the document, that

"they could only regard a change of site, particularly if it should involve a change of plan, as tantamount to the postponement of the Exhibition till another year. And the Commissioners cannot shut their eyes to the fact that a postponement of the Exhibition would, under the circumstances, lead to its entire abandonment."

[Lord J. RUSSELL: Hear, hear!] The noble Lord said "Hear, hear!" which appeared to him to be very like a spoilt child declaring if it were not allowed to have a particular thing it would have nothing at all, but would create as much disturbance and annoyance as possible. That was not treating the public fairly; for although the fee of the park was in the Crown, the use of it was in the public.

[The ATTORNEY GENERAL: Hear, hear!]

The public, therefore, ought to be consulted on the matter. One of the main arguments used by the Commissioners for the selection of Hyde Park was, that the last three exhibitions of this nature had been held upon somewhat similar sites; that in Paris having taken place on the Champs Elysées, that at Vienna in the Prado, and that at Berlin in the Thiergarten. There was no comparison whatever to be drawn between these sites and Hyde Park; and he regarded the proposition as one of the most idle that could be put forward. They said further that no other sites were to be found; but he should be able to show the House the contrary. There were several most eligible sites. In the first place, there was Kensington Park, which was only four and a half furlongs from Tyburngate, and two and a half miles from the terminus of the Great Western Railway, and of convenient access from the London and North Western Railway, and also from the Regent's Canal. Another site, which possessed all the requisites essential for the purpose, would be found in a spacious plot of land at the back of Maiden-lane, King's Cross, which was immediately contiguous to the Great Northern Railway, the London and North Western, and the Regent's Canal, and, altogether, one of the best that could be chosen. Another would be found at a spot near Lee and Kennedy's nursery, in the vicinity of Kensington. He repeated that he had no de-

sire to interfere with the Exhibition, but he thought Hyde Park was not calculated for the purpose. In the *Times* of the previous day there was a statement on this subject which appeared to him to be pretty correct. It stated that

"The brick walls of the 'temporary' building will alone absorb 12,000,000 bricks; and if to them be added the lime and sand for mortar and the scaffolding, we shall find a collective weight of about 40,000 tons of materials, which must all be carted into Hyde Park within the space of 100 working days. A cart drawn by one horse will convey about one ton, 400 carts per day, or one cart every minute and a half for ten working hours, must therefore enter, and the same number quit the park, for the service of the brickwork alone. If only as many more are required for the stone, timber, iron, slates, lead, &c., and a fair allowance be made for breaks-down—a very common occurrence—the park must, of necessity, be, to all intents and purposes, closed against the public."

That would be a very serious inconvenience; but what he was most desirous of calling the attention of the House to was, the very serious damage that was likely to accrue to some of the finest trees in the metropolis, which really were great ornaments to the park, which he regarded as one of the finest pieces of public property in Europe. A map of the park had been that morning circulated with the Parliamentary papers, showing the site selected, and he had directed an eminent surveyor to go to the spot, and there mark on the map the number and girth of the trees which would be destroyed or injured by the erection of this building. And it should be remembered that they could not make walls and cross walls round trees without injuring them. The result of the survey was as follows:—In one space there would be destroyed or injured 5 trees, averaging 6 feet in girth. In another 21 trees, averaging 4 feet. In another, 1 tree, 8 feet. A fourth 13 trees, averaging 17 feet. A fifth 4 trees, averaging 15 feet. A sixth 21 trees, averaging 7 feet. And another 3 trees, averaging 17 feet. Besides 60 others on the south side, and 90 on the north side, adjoining Rotten-row, making in all 218 trees, which would be built round by this enormous fabric. In addition to this, it was proposed that the park should be shut up for two years at least, commencing on the 1st of next month. Great trenches must be dug for the foundations of the main and cross walls. A constant passage of people to and fro would be kept up, trees would be destroyed, and the whole park would have to be scarified. In

fact, it would be reduced to nothing more nor less than a ploughed field. He hoped the House would determine on an address to the Crown, praying that Her Majesty would be graciously pleased not to allow this building to be erected in Hyde Park, because he believed that there were many other sites very preferable as regarded railway and canal transit, and more convenient in every point of view. He believed, moreover, that if they wished to cast unpopularity upon this Exhibition, they would do it by taking away that of which the public ought to have the use and enjoyment.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that no Buildings may be erected in Hyde Park for the purposes of the Exhibition intended to be held in this Country in the year 1851,'"

instead thereof.

MR. A. B. HOPE seconded the Amendment.

MR. RICE complained that the hon. Baronet the Member for Marylebone had not read the whole of the 27th paragraph of the report. After his first extract he ought to have added—

"They (the Commissioners) cannot, however, but express their decided opinion, that the renouncement of the selection of the most beautiful park in London for the scene of the Exhibition, may be looked upon as indicating a diminution of interest in the undertaking, and would materially detract from that appearance of hospitality on the part of England, which has been one great cause for the very favourable reception which this proposal has everywhere received."

And after the second quotation he ought to have read as follows:—

"They have, on the contrary, always intended it as a means of recreative and intellectual enjoyment for the greater portion of Her Majesty's subjects; and they have hitherto had reason to believe that it has been so regarded by the country in general."

In the sentiments here expressed by the Commissioners he entirely concurred. He was glad that the vote of the House was to be taken upon the Motion of the hon. Baronet, rather than upon that of the hon. and gallant Member for Lincoln, because the effect of the hon. and gallant Member's Motion would only be to create delay, whereas that of the hon. Baronet would at once raise and decide the question of the best site. The principal objection of the hon. Baronet seemed to be founded upon the

amount of cartage of materials which would be necessary for a brick and mortar building of the large extent required. But the fact was, that not only was the question of a brick and mortar building an open question, but it was one on which there was considerable difference of opinion among the Commissioners. It had been suggested, for instance, that the building should be constructed of corrugated iron or zinc, which he believed could be done at a comparatively small cost, inasmuch as the Commissioners could afterwards dispose of the materials at nearly the original price, leaving as the only expense to be met the cost of the erection, and removal and the hire of the materials. If this system were adopted, it would meet the hon. Baronet's principal objection. He maintained that it was now too late to object to Hyde Park being selected as the site of the building; because, if they altered that arrangement, it would amount to an abandonment of the whole scheme, and this they could not do without breaking the pledge which they had given to Europe and the world.

MR. STEPHENSON, being a member of the Building Committee, and having had opinions attributed to him publicly in favour of Battersea Fields as a site for the Exhibition, felt desirous of correcting an impression which might well exist in the minds of many hon. Members. It was true that when Battersea Fields were first suggested as the site, he acquiesced in it generally as possessing some advantages. Its contiguity to the river, for instance, admitted of cheap and easy access by steam boats. He examined the locality personally, and he found that if the building were placed upon the spot most proper for it, it would certainly be at a level which would be highly inconvenient. In fact, the whole of Battersea Fields, immediately adjacent to the river, upon which it would be desirable to place the erection, was some feet under highwater mark; it was at all times badly drained, whilst at some periods during the winter it was inundated. To obviate these objections, the hon. Member for East Surrey suggested the erection of the building at a distance from the river, upon a piece of ground which was certainly some feet above high water, and therefore, as far as drainage was concerned, not open to the objections to which the first site was exposed. But when he (Mr. Stephenson) went upon the site, he expressed an opinion which he now

repeated, that its distance from the river was objectionable. It was, as nearly as possible, half a mile from the river, and without the power of the land being given into the immediate possession of the contractors. The fact was, the hon. Member had forgotten that a way would have to be made between the building and the river. In point of fact it would be insulated; there would be no connexion with the river except upon sufferance, and he left the House to consider what private individuals under such circumstances generally did. With regard to the obstruction of the thoroughfares, some hon. Gentlemen appeared to attach the greatest weight to it; but it was one to which he attached the least importance. In order to enable the House to appreciate it, they should make themselves acquainted with the existing amount of traffic through the thoroughfares of the metropolis. He would take Hungerford Suspension Bridge as an example, the narrowest bridge, and the most inconvenient in its approaches on both sides in the metropolis. He would assume a parallel between the traffic over that bridge and through the streets in the vicinity of the exhibition. In fine weather 15,000 persons passed every day over the bridge, and through a turnstile, paying toll, without producing the least inconvenience; and in addition, 25,000 passengers per day departed from or arrived at one of the piers of the bridge, in connexion with the steamboats on the river. A free passage was thus given on that narrow bridge without inconvenience to 40,000 persons daily; and he asked any hon. Member if he could call to mind any obstruction upon either side? The figures read by the hon. Baronet the Member for Marylebone with regard to the inconvenience of the cartage of 40,000 tons of materials into Hyde Park, were at first sight almost overpowering. But it was not so great as was imagined. From the Camden-town station 8,000 tons were weekly carted through two openings into that station, independently of coals and cattle; and no inconvenience had been felt. He believed, therefore, that the inconvenience with regard to the approaches into Hyde Park was perfectly chimerical. As to the number of trees likely to be destroyed, he did not profess to be a very good judge upon the subject, but he could confidently assure the House that not one-tenth of the number stated by the hon. Baronet would be injured. It was not the intention of the Building Committee to encroach upon the

trees beyond what had been already done. He must, therefore, ask the House to look upon the whole question as practical men. The Building Committee had devoted much time and attention to the selection of the best site; and not one position, or scarcely one, had been suggested which they had not carefully and deliberately considered. The recommendation of Hyde Park had not been hastily arrived at; and they considered it, upon all grounds, the most eligible site in London. He had himself studied very carefully the plans of this vast and extensive building; and he assured the House, that if a month's delay from this present time took place, the Exhibition would be jeopardised. The country was pledged, not only to Europe, but to the civilised world, to proceed with it. They were all now at work manufacturing articles for exhibition, and the Commissioners were pledged to have the building ready by next May. In conclusion, he assured the House he was speaking the unanimous opinion of the Building Committee, that if the delay took place which the adoption of the Motion would create, it would prevent the Exhibition taking place at all, and the position of the country in such a case would be one of utter disgrace.

Mr. A. B. HOPE denied that the traffic of Hungerford-bridge afforded any just ground of comparison with the probable traffic in connexion with the proposed Exhibition. The traffic of Hungerford-bridge was all of one kind. There was no horse, carriage, or cart traffic, but merely two uniform streams of pedestrians—one towards Surrey, and the other towards Middlesex. Neither could he admit the applicability of the remarks of the hon. Member for Whitby respecting the traffic of the Camden-town station, because the inhabitants of Belgrave-square and Grosvenor-place were determined to live in a neighbourhood not quite so bad as the entrance to a railway station. He confessed he was somewhat surprised at the report which had emanated from such a high body as the Royal Commissioners in defence of two such important considerations as the site of the great Exhibition, and the integrity of Hyde Park. He found them saying, for instance—

“It being thus distinctly evident that the Exhibition ought to take place in London, it is further obvious that the actual site which may be selected for it should be within the precincts of, or in the closest vicinity to, the most central and accessible parts of the metropolis itself.”

Now, the idea of calling the west end of London a "central position" was exceedingly amusing. But the Commissioners proceeded to say—

"It need hardly be pointed out that it would be objectionable to impose upon persons who may have come to London from a great distance the necessity of an additional journey to visit the Exhibition; a consideration which has already been urged upon the Commissioners by the representatives of several of the most important provincial towns, who are apprehensive of the inconvenience to which artisans, in particular, might thus be subjected."

So, therefore, it was considered to be for the benefit of artisans that the Exhibition should be placed near Belgrave-square. In paragraph 11 of the report it was said—

"The site suggested in the Regent's Park has been found, since it was visited by the Building Committee, not to be available, as the leases under which the houses in that neighbourhood are held, contain a clear and stringent provision that no new building of any kind shall be erected within the limits of the park."

Now, he contended that this was one of the strongest moral arguments that could possibly be drawn against placing the exhibition in Hyde Park. They all knew that the growth of Hyde Park had been gradual, whereas Regent's Park was the single creation of great public spirit and public taste on the part of the Sovereign. If, therefore, it was found necessary to impose a condition of this kind in regard to Regent's Park, it was to be presumed that if Hyde Park had been similarly created by a single act of the Royal will, a similar condition would have been imposed. In paragraph 21 of the report, he found a statement which to any one who understood building operations must appear rather strange. It was stated that—

"Although the eminent architects and engineers whom they have consulted, and to whom they have uniformly given instructions to prepare plans suitable to a temporary structure, have agreed to recommend the use of brick and other durable materials, they have left it perfectly open to contractors to send in their tenders for the execution of the work in any material or materials whatsoever, and have notified their readiness to entertain such tenders."

Now, had any one ever before heard of a body of men who had property planning a building which they determined should be executed in a certain material, and then allowing contractors to send in tenders with reference to entirely different materials? There was another objection to Hyde Park being chosen as the site of the building, and that was that in the neighbourhood of the spot selected there were a

number of low public-houses, which, if the Exhibition took place there, would be sure to be frequented by crowds of improper characters, and thus add to the disorder of that already disorderly neighbourhood, and make it a perfect nuisance to the more respectable streets adjoining. He held in his hand a letter from the clergyman of the parish strongly urging this as a reason against the Exhibition being held there. It had been said there was no other site to be had equally convenient. He would mention two which, in his opinion, would afford ample space, and be in every way convenient. The one consisted of two brick-fields of fifteen or twenty acres in extent, bordering the north bank of the Regent's Canal, and the other was situated immediately south of the Islington Cattle-market. The market, indeed, actually abutted on the spot, and he had no doubt that, if necessary, it might be incorporated as part of the proposed building. He was not at all unfavourable to the proposed Exhibition. On the contrary, he believed that England would appear in it with all the advantage to which her great engineering ability and manufacturing development, and the energy, industry, and patience of the Anglo-Saxon race, entitled her. He only regretted that its popularity and usefulness would be marred by the selection of an improper site. He would remind hon. Members of the answer of Sir R. Walpole to the amiable Queen of George II., when she asked him how much it would cost to rail in a portion of St. James's Park—"Please, your Majesty, only three crowns." He believed the English people were loyal enough not to sell Hyde Park at that price; but the anecdote sufficiently showed the value which the sagacious mind of Walpole then attached to the public parks; and if they were so valuable then, when there were so many other open spaces near the city, how much more valuable must they be now, when those other spaces were all covered with buildings?

Mr. HUME was really surprised at the speech of the hon. Gentleman who had just sat down. After having given his opinion that the Exhibition would do credit to the nation, he had thrown objections in the way of its being carried out of a partial, limited, and personal character. Every one considered the object of the Exhibition to be deserving of this great commercial country, likely to do honour to England, and likely to bring every manufacturing nation into unison with us in providing for

the wants of mankind. An opinion seemed still to prevail in some quarters that we were to be the great monopolisers. The Exhibition would be the means of showing that we were ready to give as well as to receive—to communicate as well as to obtain knowledge respecting the production of the best articles. Thus would nations and manufacturers be brought together from every part of the world; and thus would advantages be derived creditable to the parties engaged in the undertaking. A few individuals, however, were found to object, on the ground of some anticipated inconveniences, forgetting that the property would be taken possession of only for a temporary purpose, and not be alienated from the public. Was any one so selfish as to consider his own personal inconvenience in a case so noble and national? If so, the view was one of the most narrow that ever entered the mind of man. The idea of personal inconvenience was too paltry for consideration, where the honour of the whole country was concerned. The manner in which India and the several other nations of the earth had responded to the call made upon them to produce their best articles, was highly creditable. And were we to stop short in our plans now, merely because of some supposed inconvenience—inconvenience to a few ladies and gentlemen who were accustomed to ride out—or inconvenience to a few persons who lived in Belgrave-square, who feared that they would be interrupted by the passing of waggons which they could not see, and which would not approach within a mile and a half of their residences? He had always been in favour of devoting the parks to the health and recreation of the public; but now that Her Majesty had consented to appropriate a portion of one of them to the Exhibition, of what material right would the public be deprived? What more useful to the public than the great and expansive scheme about to be carried out? He therefore regretted extremely that any opposition should have been manifested, because he did not know a better site than the one in Hyde Park. The shed was to be 700 yards long, 175 feet wide, and 25 feet high; and all the injury it could do was to destroy the grass over which it was placed for a short time. He hoped the building would be divested of the enormous overgrown dome which it was proposed to construct.

MR. LABOUCHERE quite concurred in the reasons which had induced the Com-

missioners to deprecate any decision on the part of the House that should disturb the arrangements which, after the most mature deliberation and after consulting the highest authorities, the Commission had adopted with respect to the site of the Exhibition. He felt that the report which was in the hands of hon. Members, and the speech of the hon. Member for Whitby, had laid the case of the Commissioners so fully before the House, that he should be without excuse if he troubled them with many observations. But the deep anxiety he felt on the subject prevented him from giving a silent vote, for he could not but feel, with the hon. Member for Montrose, that the credit of this country with all the nations of the world, and, he would add, the credit of the House with all the nations of the world, were deeply involved in the decision to which the House should come on this point; and he trusted the House would not disturb the closely considered arrangements of the Committee, because of the clamours of persons who would not for a brief space sacrifice their own fancied comforts and convenience to promote a great national, a great world-object. He was not surprised that the misrepresentations circulated on the subject should have aroused apprehensions in the public mind, naturally sensitive to the preservation of Hyde Park; and did he himself feel any apprehension that Hyde Park would be degraded or destroyed by the Exhibition, he should be one of the first to invoke the opinion of the House on the point, deeming the parks a matter of national concern; but he altogether denied that Hyde Park would be degraded or destroyed in being rendered thus subservient to what was also a matter of national concern. [Colonel SIBTHORP: No!] The "No," of the hon. and gallant Member represented, he believed, the solitary dissent in that House on the point. [Colonel SIBTHORP: No! Pooh! No!] It was proposed to refer the decision of the Commissioners to a Select Committee of that House. Now, of whom would the Committee, at all events for the most part, probably consist? Of the very Members of that House who were also members of the Commission, and whose unanimous votes had already confirmed the report of the Commission as to the site. Who were those Members? First, Lord John Russell; the name of the second was a name not to be pronounced without emotion, it was the name of Sir Robert Peel; and he believed that the last public duty performed by that

eminent man, who never neglected any duty, connected or unconnected with politics, which he considered conducive to the public good, was the attending a meeting of the Commissioners, and giving his cordial assent to the principle embodied in their report. Then came Mr. Gladstone, Mr. Labouchere, Mr. Cobden, Mr. Thomas Baring, Mr. Pusey, and Mr. Alderman Thompson—Gentlemen representing the most various political opinions, but unequivocally united in their opinion on this particular point. Nor let the House forget how long this subject had been before the public and before themselves, and how long it had been distinctly understood—known he might say—that Hyde Park would be the place selected for the Exhibition. No remonstrance had been made against that site, month after month, and he trusted that now, at the eleventh hour, the House would not step in and disturb the arrangement so carefully adopted. Reference had been made to the various official modes in which the public had been informed that Hyde Park would be selected. He would refer to another mode of informing the public, far more generally informatory than official modes—to the columns of the leading and most generally circulated paper in this country, the *Times*; and he would read to the House an extract from that paper of the 18th of October, 1849, which would at once demonstrate how completely the whole of this country, how completely all foreign countries, must have been so long ago as that aware that Hyde Park would, in all probability, be the site of the Exhibition:—

“At present no other site seems more likely than Hyde Park, where the vacant space between Kensington-drive and Rotten-row offers peculiar advantages. All nations are invited without distinction or preference. It is proposed that a Royal Commission, presided over by the illustrious Prince from whom the idea of this Exhibition has chiefly originated, shall arrange the prizes, the subjects for which they are to be offered, the character and course of the Exhibition, the selection of the judges and other preliminaries, while it is left to the Society of Arts to raise the funds—and, as itself a permanent body, to provide for the permanent establishment of these exhibitions. There seems, then, no reason to doubt that in 1851 Hyde Park will witness an assemblage more numerous, more brilliant, more beneficial, and more intimately associated with the fortunes of this empire, than the aristocratic array in which some observers are wont to read the rise and fall of our national prosperity.”

He hoped that this brilliant and eloquent anticipation would not be clouded. He was satisfied, indeed, that the good

sense and public feeling of the House would not permit private and peculiar views and notions to interrupt a course prescribed by sound reason. Reference had been made to the inhabitants of Knightsbridge, who, it was represented, would be especial sufferers in the matter, though even those whose houses absolutely fronted the proposed site would be separated from the Exhibition by two roads, a broad terrace, and thick trees. He must say he thought that this complaint of the parties in question, this indisposition to undergo for a brief time a little possible disquiet for the sake of a great national benefit, came with peculiar ill grace from persons to whom so singular a favour had just been accorded in the throwing open, on their account, of Prince's-gate, a favour alike promoting their personal convenience, and benefiting their property. A more striking illustration still of the nature of the objections was afforded by the hon. Member for Maidstone, who was prominent among the complainers, although he lived altogether at the other side of the park, where he could in no possible way be annoyed by the Exhibition, which would be alike remote from his sight and his hearing. It was said that the other contiguous inhabitants, besides those of Knightsbridge, would be aggrieved. It was at all events only very recently they had intimated any such apprehension. It was only in April last that the inhabitants of Chelsea and its neighbourhood held a meeting for the express purpose of promoting the Exhibition, as an exhibition calculated in every way to benefit all classes of the community, and especially the inhabitants of the western portions of the metropolis. Among the many distinguished names which figured in the requisition for that meeting, he would only mention one, it was that of the Hon. William Frederick Campbell, M.P. Nothing, in fact, could be more gratifying than the earnest zeal with which this subject had at once been taken up by all classes of the people; and it was essential that the place in which the Exhibition was held should be readily accessible to all classes of the people, not merely to the rich, but to the poorest artisans, who, coming from all parts of the country in crowds, as they would, ought to have the facility, not merely of visiting once, as they might a wild beast show, but of revisiting, time after time, the Exhibition, so as to derive the desired benefit from its contents. The alarm at one time mani-

fested, that this building would not be a merely temporary erection, had not been much referred to on the present occasion. He could assure the House that he was himself as strongly opposed as any man could be to any permanent encroachment upon the parks; and he considered the Commission and the Government pledged to the public that the building contemplated should only be a temporary building. The contrary apprehension, he had no doubt, was closely connected with the durability of the materials it had been proposed to use; but, in the first place, the Commissioners were not at present pledged to any particular materials, and, in the second place, if bricks were adopted, it would be simply because, as Mr. Cubitt himself shows, bricks, even for temporary buildings, were most economical, most effective, and most easily transportable. As to the dome, which still haunted the imagination of many of his hon. Friends, he could not at the moment pledge the Commissioners on the point, but he believed he could safely inform the House that the dome would vanish into thin air. As to the expense of the structure, he was equally prepared to express his confident belief that it would pay for itself, and that the public would not be called upon to give a single farthing beyond their voluntary subscriptions and the admission money at the doors. He would only point out to the House that the latter receipts would materially depend upon the facility of access to the Exhibition, and that they would inevitably be much less in aggregate amount if the public had to travel five or six miles from town to the place where it was held. He trusted that the House would, in its decision, bear in mind how intimately the interests of the humbler classes, and how nearly the national credit and honour, were connected with the adoption of the Commissioners' report.

MR. B. OSBORNE said, that in offering a few words upon this subject, he should not indulge either in lofty flights of eloquence, or in brilliant perorations as to the honour or credit of this country being pledged to the erection or otherwise of the proposed building in Hyde Park. The hon. Member for Montrose, imitating the *sic volo, sic jubeo* style of the Commissioners' report, had presumed to differ with all who raised objections to Hyde Park; but that hon. Gentleman had not put the question before the House in a fair shape. The question was, was Hyde

Park the best site? If there was any doubt on the subject, he attributed it to the conduct of the Commissioners. It was all very well to read a list of the names, and to say that these were the names of practical men. The Commissioners, whose report was published the other day, had only taken into their consideration in February last, three sites. They took the north-eastern portion of Hyde Park, the Regent's Park, and the present site. They never took into their consideration Battersea Fields or Islington. He thought the best site for the Exhibition would be the Regent's Park, inasmuch as it was in the immediate neighbourhood of the Regent's Canal, and the terminus of the London and North Western Railway. It had been said that the locality of Battersea was ineligible for building purposes; but a report was presented in 1846, which stated that that was not only a salubrious neighbourhood, but that it was most eligible as a building site. The surveyor of the district had moreover reported that the foundations there were most excellent, with a gravel soil. He contended, therefore, that the report of the Royal Commissioners had been ill considered. The right hon. Gentleman the President of the Board of Trade, when speaking of the advantages conferred by the opening of the Prince's-gate, had forgotten to tell the House that the inhabitants of the locality had been made to pay 4,000*l.* for the opening of that gate, and that they were also obliged to pay a certain sum of money to keep a gatekeeper there. But further, a large speculation has been entered into in that neighbourhood, twenty-four houses having been built at an expense of 150,000*l.*, and paying a ground rent of 1,800*l.* a year. It was all very well to say that this was not to be a permanent building; but who would take those houses for the next two years? It was all very well, too, to talk of the honour and credit of England being pledged to the carrying out of this Exhibition; but there were some other things equally to the honour and credit of England which were not to be forgotten. He meant the law on the subject. A Judge of great reputation had given it as his opinion—[An Hon. MEMBER: He has bought a house there.] The hon. Gentleman said, he had bought a house there; but he should be sorry to think that the opinion of a Judge could be swayed by any such matter; and Mr. Justice Cresswell was in-

capable of being influenced by such a motive. That learned Judge had a strong opinion, not in his capacity as the buyer of a house, but as a lawyer, that the erection of this building in the park was illegal, and that it required an Act of Parliament to enable it to be done. Unless the House gave some decided expression of opinion, he would strongly advise the hon. Member for Marylebone that the Motion should not be pressed to a division. He had felt it to be his duty to state his opinion, and he thought that the report of the Commissioners should be reconsidered; at the same time he was not joining in any cry against the Exhibition, but he thought the House ought to pause before sanctioning the erection of this building in Hyde Park.

MR. GLADSTONE said, this Act had been described as a matter *sic volo, sic jubeo*, on the part of the Commissioners; but he should be sorry if there should be a disposition on their part in any matter to decline to defer to the jurisdiction of that House. He was sure there was an unequivocal admission among the Commissioners that that House was the proper and constitutional guardian not only of the liberties but also of the enjoyments of the people. That House could not, however, lightly interpose in a matter of this kind. If they were prepared to come to the vote to which they were now invited to come, they must be prepared to take the responsibility of that vote, which might destroy the success of the Exhibition which had been projected. It had been said that the Commissioners had neglected their duty; but the Commissioners, he would contend, had not neglected their duty in the very important point of the selection of sites. It had been asked why they had only referred to three sites? The answer to that was, because it was assumed among the Commissioners as a thing entirely beyond dispute, and one which had been announced to the world, that this Exhibition was really to be holden in London, and not at six or seven miles distance from it; and, he submitted, it would be practising a deceit on the whole world if, after having brought foreigners from every part of the world, on the faith of the Exhibition being held in London, they took them to Battersea instead. If this were an exhibition at which persons could acquire sufficient information from a single visit, it would not be so very important whether it was held in London, or five or

six miles away from it; but the objects would be so extensive and multifarious that three or four visits would be necessary in order to a proper appreciation of them. With regard to the Regent's Park, he would really say he placed more confidence in the legal view entertained by those who had advised the Commissioners as to the Exhibition being held there, than he could in the opinion stated by the hon. and gallant Gentleman opposite, the Member for Middlesex. The Commissioners had had the advice of a lawyer, acting in his public capacity, and acting deliberately; and he (Mr. Gladstone) thought that was an opinion on which the House was bound to rely. It was not disputed that so late as October last it was known that this Exhibition would be held in Hyde Park; and since January last that announcement had been before the world. And now what was the predicament in which they stood? The hon. Member for Whithy told the House, as a practical man, that it would be impossible to open this Exhibition in the spring of the next year if they interfered to change the site. He (Mr. Gladstone) deprecated any interference, so as to change the site, which would be a virtual abandonment of the Exhibition. The Commissioners took their stand on a knowledge of the multitude of difficulties that were to be encountered, of the multitude of arrangements that were to be made in order to give effect to a scheme of this kind, and upon the knowledge that if the House now undid those arrangements, some time must again intervene before they could reconstruct those arrangements for another site: and therefore that it was a matter of impossibility to hold the Exhibition in the spring of next year if they were obliged to abandon the proposed site. He thought the House was right to be jealous of the beauty and security of this park, and of the trees, which of course could not be replaced; but he was of opinion, at the same time, that the honour and credit of England was very greatly involved in this matter, and that the House would be laying itself open to a charge of light-mindedness and instability of purpose if they were now to take the step they were called on to take. He would remind the House that property of the value of some millions was now in preparation for the purpose of being entrusted to this Exhibition; thousands of labourers were at work in this and other countries on productions which they knew,

or thought they knew, were to be exhibited in London on the 1st of May next; and large masses of persons in the country were saving their wages, and a vast concourse of people in various parts of the world were making plans and arrangements with a view to visiting the proposed Exhibition; and the question was whether the House would frustrate all those plans and expectations which, although they had not been formed by that House, they had allowed to be performed by others, and had never interfered while the time for interference remained. He submitted that the proposed Exhibition was only the substitution of one public kind of enjoyment for another, of a higher and more important for a lower and less important enjoyment, of one on a small for another on a large scale; and he would venture to say that for every man, woman, and child, who used this ground for the purpose of recreation, at least a hundred—he thought he might say a thousand—would resort to this great Exhibition for the purpose both of recreation and instruction.

SIR DE L. EVANS said, he had that day presented a petition from seventy householders of great respectability, and residing in the immediate vicinity of Hyde Park, all of whom entreated that House to change the proposed site of this building, and he trusted he might be allowed to say a very few words. He was sorry to say that the remarks of the hon. Member for Whitby had not addressed themselves to one point; some explanation as to which he could not but think would go some way towards allaying the apprehensions of these petitioners, namely, as to the nature of the construction of the building in question. Now, the hon. Member for Montrose did touch on that point to a certain extent; but he thought that when his hon. Friend had said that it was to be 175 feet in breadth, he must, of course, have meant to say 175 yards. [Mr. HUME: Yes, yards.] The right hon. Gentleman the President of the Board of Trade, too, had, in the remarks he had addressed to the House that evening, rather led them to suppose that there was a leaning to a building of a more permanent character than it had been hitherto presumed this building was meant to be. They were told that the walls were to be of brick, and twelve feet thick, and that it was to be crowned with a cupola twice as large as that of St. Paul's. He trusted, however, they would, before the discussion closed,

have some official statement as to what the real intentions of the Commissioners were as to the nature of the construction of this building; in which case, perhaps, the apprehensions of the hon. Member for Marylebone might be allayed. He agreed with the right hon. Gentleman the Member for the University of Oxford, that the honour and credit of the country were at stake as regarded the Exhibition itself; and he had understood him to say that if one month were suffered to interpose before the site of the building was fixed upon, the Exhibition would be at an end; but he (Sir De L. Evans) should imagine that the space of one month would be sufficient time wherein, if necessary, to decide upon some other site. He did hope, however, that they should be favoured with some assurance that the grievance apprehended by these householders was not to be of the duration they feared it would be, and also that the whole of the materials for erecting the building were not to pass through one gate in their immediate vicinity.

MR. STANFORD said, that no doubt it would have been more grateful to the feelings of every hon. Member, after the great calamity that had so recently occurred, if they could have dispensed with the consideration of this or of any other subject on the present occasion, but private feeling must naturally give way to public business. This was not a frivolous question as to whether some few trees should be cut down, or whether one site was preferable to another. It was a great national question, and he thought a fundamental error had crept in throughout the whole of these proceedings in leaving so important a matter, on which the honour of the country was at stake with foreign nations, not to the control of Parliament, but entirely to the management of a private body of gentlemen. He thought the hon. Member for Finsbury had put the real merits of the question before the House, when he stated that if the fund raised by private subscriptions should fall short of the amount required, the House would naturally be called upon to indemnify the Commissioners, and that the responsibility which at present rested on that small body of men, would ultimately devolve upon the Legislature of the country. One point was obvious, that they were about to expend at least 100,000*l.* upon a temporary building. But if the Exhibition were so desirable as it had been said to be, and would confer such great advantages in promoting the indus-

try and stimulating the talent of the country, why should there not be triennial or quinquennial exhibitions in the same way as foreign nations had followed them up? They ought, before any proceedings were taken, to determine whether the Exhibition was to be of an ephemeral character, or whether it should be permanent, for the advantage and triumph of art in this great country.

Mr. T. S. DUNCOMBE wished merely to correct a mistake he had been supposed to have made on a former debate, when he stated that the corporation of Wisbeach had only subscribed 5*l.* to the Exhibition, and thence inferred that the source of voluntary contributions was getting dry. He had received a letter from the mayor, stating that the corporation had given twenty-five guineas; but there was a misprint in the accounts given of the subscriptions, which caused the mistake, and perhaps the corporation ought to have gone with their complaint to the newspapers that made the mistake. He should vote for the site being Hyde Park, because he thought it was a good site, and indeed the best. As to any infringement on the enjoyment of the poor, that might have been the case if Primrose-hill or Victoria Park had been chosen, but the poor never went to Rotten-row; and even Rotten-row would not be infringed upon, so that the hon. Member for Marylebone would still be able to disport himself there, and view the Exhibition from his horse in the usual ride. His (Mr. Duncombe's) constituents would be much disappointed if the Exhibition was either postponed or abandoned.

LORD D. STUART said, one fact had been made apparent by this discussion, namely, that upon this subject there was but one opinion, with the solitary exception of the hon. and gallant Member for Lincoln, and that was in favour of the Exhibition of 1851. But another thing had been elicited, and that was a declaration on the part of the Government and the Royal Commissioners, that the building to be erected in Hyde Park (if it were to be Hyde Park) would be only of a temporary description. The House had also been assured that no money would be asked for by the House from the people of England on account of the Exhibition. But there nevertheless existed a great discrepancy of opinion with regard to the site. An opinion had been expressed by a distinguished Judge of the land that it was illegal to make the site of the Exhibition in

Hyde Park. Now, although the Attorney General might dissent from that opinion, it could not be altogether dismissed as a fable. That opinion had been declared by Mr. Justice Cresswell. If so, why should they go on with the determination of making Hyde Park the site until the question was decided? Suppose the inhabitants of the district were to move for an injunction, where would the Royal Commissioners be then? It would cause so great a loss of time that the whole matter must be abandoned. If there were any truth in the opinion of the learned Judge, then the House, by agreeing to the Address, might be the means of saving the Exhibition. Seeing that the inhabitants of the vicinity of Hyde Park were very much opposed to having the Exhibition there, while the inhabitants in other parts of the metropolis were anxious to have it in their neighbourhoods, he certainly thought it would be wise for the House to change the site. King's-cross, near Copenhagen-fields, was a much more central position than Hyde Park, which was only one corner of London—Hyde Park corner. He would advise his hon. Friend to withdraw his Motion, and leave the Commissioners to do what they might think proper, and also to leave the inhabitants to take what course they pleased.

Mr. J. STUART said, the House had two Motions before it, and it really seemed to him there might be some inconvenience in taking the course now proposed by either of them. He, for one, was not prepared to concur in anything which had a tendency to destroy or imperil the Exhibition of 1851. At the same time he was entirely prepared to concur in voting for the Address moved for by the hon. Member for Marylebone. They were very much pressed for time, he (Mr. Stuart) admitted; but he asked the House not to forget the importance of the consideration adverted to by the noble Lord opposite who had just resumed his seat. There were legal rights involved in this matter; petitions had been presented from persons representing property of large value, including buildings on which an hon. Member had said 150,000*l.* had been expended, which would be imperilled by the building being erected on the proposed site. It was not a province of that House to interfere in deciding legal questions; they would greatly embarrass public interests, and the course of proceeding of any Government, if they interfered in such a way in such matters. The hon.

and learned Attorney General had stated his opinion to be that the site was a legal site unless the public interfered. He (Mr. Stuart) ventured to express some surprise at this mention of public interference; it excited some very startling considerations coming from him—most startling indeed. The hon. and learned Attorney General held his office in order to represent the public interests; and if any of the constituents of his (Mr. Stuart's) hon. and gallant Friend the Member for Westminster, or his hon. and gallant Friend the Member for Middlesex, called on him to do so as relators, the Attorney General was bound by his office, and it was *ex dubito justitiæ* for him to appear before the Lord Chancellor when Lord Chancellor there was—or before a court of equity, to complain, at the relation of any aggrieved party, that the Commissioners were about to do an illegal act, and to ask for the interference of the court. The House of Commons ought not to make any difference between the high and the low; and if the Lord Chief Justice of England had “private and partial right” near Hyde Park, there was no reason why they should be scoffed at by the Attorney General. He trusted that the Government would pause before they proceeded further in this matter, and he would suggest that the debate on the Address moved by the hon. Baronet the Member for Marylebone, should be adjourned.

LORD R. GROSVENOR was induced to rise in consequence of the hon. and learned Gentleman having said that the Commissioners had set up a new doctrine—namely, that the private and partial rights of the rich might be interfered with, but that the rights of the poor ought to be respected. Who was the hon. Commissioner who had said this? [Mr. J. STUART understood the hon. Member for Montrose to have said it.] What he understood his hon. Friend the Member for Montrose to have said was, that if this were a question as to interfering with the amusements of the poor rather than that of the rich, he would prefer interfering with the amusements of the rich. In the formation of new streets, were not the conveniences of the poor often sacrificed for the conveniences of the rich? but those inconveniences to the poor man, in forcing him to lodge at a distance from his work, were never considered by the House. He was glad at having heard the explanation of the hon. Member for Whitby, who had entirely disposed of the objection which had been stated in the *Times* newspaper

with regard to the enormous amount of materials that would have to be taken to Hyde Park. The hon. Gentleman had equally met the objection raised on the ground of the obstruction which would be occasioned by the vast concourse of people visiting the Exhibition, and this he did by stating the simple fact that 40,000 persons passed over Hungerford-bridge daily. He had not had a single representation made to him by any of his constituents to induce him to oppose the site being in Hyde Park. He had no doubt it would be inconvenient to many, but we could not have any such thing without some sacrifice being made; but that would be amply compensated for by the honour that would redound to this country in consequence of this great Exhibition having originated here.

SIR H. WILLOUGHBY complained of the shyness of the Attorney General in expressing his opinion on the legal question. The hon. and learned Gentleman was bound to give some explanation, lest there should be legal proceedings.

LORD J. RUSSELL said, that the hon. and learned Member for Newark had laid down a doctrine which the hon. Baronet who had just spoken, should have well considered—namely, that it was not for the House to interfere upon questions of law, or pretend to decide questions of law; and that the right hon. Gentleman the Member for the University of Oxford had gone too far in wishing that the House should come to any opinion upon the question of law. He (Lord J. Russell) thought that observation was perfectly true; but it was not quite consistent with what the hon. and learned Gentleman afterwards suggested, namely, that the House should wait in order to have the question decided in a court of law. The question before the House was not a question of law; but the question was whether the House should offer any advice to the Crown in regard to the selection of Hyde Park as the site for the proposed Exhibition, from a wish to take care of the rights of the public, or whether the House should refrain from offering any such advice. Now, he thought the House might keep such a question as that entirely free from any question of law. If any private rights should be infringed upon, let the parties make any application they please to a court of law. With that the House had no concern; where they could hardly come to any satisfactory conclusion as to what was clearly the law upon the subject.

With respect to the general question, he was happy to think that this discussion had not been without its use, and it appeared to him that the House had very nearly come to a conclusion upon the subject. He thought he was not misrepresenting the sense of the House when he said that they were anxious that no building of any very great strength and permanence, with a very enormous dome, should be erected in Hyde Park, and that every care should be taken not to do injury to the great trees that were an ornament to the park. So far he thought the sense of the House was very clear; but he also believed that it was not the disposition of the House to assent to an address to the Crown which might interfere with the Exhibition of 1851. There were only two other points upon which he wished to offer any remarks. It had been represented, he thought from some misapprehension, that the Commissioners had in a very arbitrary manner come to the conclusion that the Exhibition must either take place in Hyde Park, according to their opinions and advice, or not at all. Now the fact was that the Commissioners, having considered the various sites which might be suitable for the Exhibition, came to the conclusion towards the end of February that Hyde Park was the best site for the purpose. The Commissioners immediately made their decision known, and they circulated information, not only in this country, but in others, that the Exhibition would take place in Hyde Park, so that the public must have been fully aware of this intention. Some time afterwards drawings were prepared, and proposals were issued, by the Commissioners for the erection of a building for the purposes of the Exhibition in Hyde Park; and what the Commissioners said was, that having done all this, it was now, in the month of July, too late to provide for an Exhibition in 1851 in any other situation than Hyde Park. The Commissioners at their meetings had made very close inquiries on this point; they had taken the opinions of the Building Committee, and of very able architects and engineers; and all the Commissioners were satisfied that they must either have the Exhibition in Hyde Park, or that they must give up the hope of having any exhibition of the kind in 1851. His noble Friend the Member for Middlesex had said most truly that some sacrifices must be made in carrying out such a project. On the one hand the proposed arrangement would certainly cause some in-

convenience to perhaps 70 or 80 occupiers of houses on that side of Hyde Park on which the Exhibition would take place, and it might cause inconvenience to the riders in Rotten-row, though he believed they would obtain some compensation. But, on the other hand, if the proposed change were adopted, the sacrifice would be enormous, and the working classes of the country would be the sufferers. If those of the working classes resident in London had to make a journey of some five or six miles out of town, whether by railway or by some other mode, in order to see the Exhibition, they would lose their whole day in the journey; and if those who came up to London from various towns in the country were obliged, after spending a considerable sum of money in coming to town, to undertake another journey of some miles out of town to see the Exhibition, there would be entailed upon them not only a considerable expenditure of money, but also a great sacrifice of time, which they were ill able to afford. He believed, therefore, that it was the interest of the great majority that the Exhibition should take place in Hyde Park, as was originally proposed. Had the subject been brought before the House in the month of March, he did not mean to say they would have come to another decision, but they would have had the question before them in a different shape. As it was, however, he did not think the House would come to any other conclusion than not to interfere in the matter. He hoped the hon. Baronet would not divide the House, for he thought the effect of this discussion would be to induce the Commissioners to take all possible care both to provide for the accommodation of the public in the construction of the building, and to preserve the trees in Hyde Park. He hoped, at all events, that the House would not assent to the suggestion of the hon. and learned Gentleman the Member for Newark for the adjournment of the debate.

SIR B. HALL said, that after the statement of the noble Lord, and as it appeared that the building would be merely of a temporary character, and that no grant of public money would be proposed for the Exhibition, he had no objection to withdraw his Amendment.

COLONEL SIBTHORP said, he would feel it his duty to pursue a straightforward line of conduct, and to take the sense of the House upon the subject.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 166; Noes 47 : Majority 119.

List of the AYES.

Adair, R. A. S.	Hatchell, J.
Arkwright, G.	Hawes, B.
Baines, rt. hon. M. T.	Hayter, rt. hon. W. G.
Baring, rt. hon. Sir F. T.	Headlam, T. E.
Baring, T.	Henry, A.
Barnard, E. G.	Herbert, H. A.
Bass, M. T.	Hill, Lord M.
Bellew, R. M.	Hobhouse, rt. hon. Sir J.
Berkeley, Adm.	Hobhouse, T. B.
Berkeley, hon. H. F.	Hodges, T. L.
Booth, Sir R. G.	Hogg, Sir J. W.
Boyd, J.	Hope, H. T.
Boyle, hon. Col.	Howard, Lord E.
Bramston, T. W.	Howard, hon. C. W. G.
Bremridge, R.	Hume, J.
Bright, J.	Humphery, Ald.
Brotherton, J.	Hutt, W.
Bruce, C. L. C.	Inglis, Sir R. H.
Busfield, W.	Jackson, W.
Carter, J. B.	Jermyn, Earl
Chaplin, W. J.	Jervia, Sir J.
Clay, J.	Keating, R.
Clay, Sir W.	Keogh, W.
Clive, H. B.	Kershaw, J.
Cobden, R.	King, hon. P. J. L.
Cockburn, A. J. E.	Labouchere, rt. hon. H.
Colebrooke, Sir T. E.	Lacy, H. C.
Cowper, hon. W. F.	Langston, J. H.
Craig, Sir W. G.	Lascelles, hon. W. S.
Crawford, W. S.	Lewis, G. C.
Cubitt, W.	Lindsay, hon. Col.
Currie, R.	Lockhart, W.
Denison, J. E.	Lushington, C.
D'Eyncourt, rt. hon. C. T.	Mackie, J.
Duff, J.	M'Taggart, Sir J.
Duke, Sir J.	Meagher, T.
Duncan, Visct.	Mangles, R. D.
Duncan, G.	Martin, C. W.
Duncombe, T.	Matheson, A.
Duncuft, J.	Matheson, Col.
Dundas, Adm.	Maule, rt. hon. F.
Dundas, rt. hon. Sir D.	Melgund, Visct.
Du Pre, C. G.	Miles, P. W. S.
Ebrington, Visct.	Miles, W.
Ellis, J.	Moffatt, G.
Elliot, hon. J. E.	Monseil, W.
Evans, J.	Morison, Sir W.
Evelyn, W. J.	Morris, D.
Ewart, W.	Mulgrave, Earl of
Fagan, W.	O'Brien, J.
Ferguson, Sir R. A.	O'Flaherty, A.
Foley, J. H. H.	Ord, W.
Forster, M.	Paget, Lord A.
Fox, R. M.	Palmerston, Visct.
Fox, W. J.	Parker, J.
Freestun, Col.	Patten, J. W.
Gladstone, rt. hon. W. E.	Pechell, Sir G. B.
Glyn, G. C.	Peto, S. M.
Greenall, G.	Plumptre, J. P.
Greene, J.	Price, Sir R.
Grey, rt. hon. Sir G.	Pusey, P.
Grey, R. W.	Ricardo, O.
Grosvenor, Lord R.	Rice, E. R.
Hamilton, G. A.	Rich, H.
Hardcastle, J. A.	Robartes, T. J. A.
Harris, R.	Roche, E. B.
Hastie, A.	Romilly, Col.
Hastie, A.	Romilly, Sir J.

Russell, Lord J.	Tancred, H. W.
Russell, F. C. H.	Thompson, Col.
Sanders, J.	Thompson, Ald.
Seymour, Lord	Thompson, G.
Sheil, rt. hon. R. L.	Thornely, T.
Simeon, J.	Tufnell, H.
Slaney, R. A.	Walmaley, Sir J.
Smith, rt. hon. R. V.	Wawn, J. T.
Smith, J. B.	Westhead, J. P. B.
Somerville, rt. hn. Sir W.	Wilson, J.
Spearman, H. J.	Wood, rt. hon. Sir C.
Spooner, R.	Wood, W. P.
Stanton, W. H.	Wyld, J.
Stephenson, R.	
Strickland, Sir G.	
Stuart, Lord D.	
Stuart, Lord J.	

TELLERS.

Sibthorp, Col.
Campbell, W. F.

List of the NOES.

Adair, H. E.	Hope, A.
Anstey, T. C.	Hotham, Lord
Archdall, Capt. M.	Hudson, G.
Bateson, T.	Knightley, Sir C.
Best, J.	Knox, Col.
Broadley, H.	Lascelles, hon. E.
Brown, H.	Lennox, Lord H. G.
Buller, Sir J. Y.	Lygon, hon. Gen.
Burghley, Lord	Manners, Lord C. S.
Burke, Sir T. J.	Manners, Lord J.
Cabbell, B. B.	Mullings, J. R.
Compton, H. C.	Newdegate, C. N.
Cotton, hon. W. H. S.	O'Connor, F.
Dodd, G.	Ogle, S. O. H.
Duff, G. S.	Raphael, A.
Forbes, W.	Richards, R.
Fortescue, hon. J. W.	Rushout, Capt.
Fox, S. W. L.	Stanford, J. F.
Gaskell, J. M.	Stuart, J.
Gooch, E. S.	Vyse, R. H. R. H.
Granby, Marq. of	Willoughby, Sir H.
Henley, J. W.	Wynn, Sir W. W.
Hildyard, R. C.	
Hildyard, T. B. T.	TELLERS.
Hill, Lord E.	Hall, Sir B.
	Alcock, T.

Main Question put.

The House divided :—Ayes 46 ; Noes 166 : Majority 120.

List of the AYES.

Anstey, T. C.	Greene, J.
Archdall, Capt. M.	Hildyard, R. C.
Arkwright, G.	Hildyard, T. B. T.
Bateson, T.	Hill, Lord E.
Best, J.	Hope, A.
Bremridge, R.	Hotham, Lord
Broadley, H.	Hudson, G.
Brown, H.	Knightley, Sir C.
Buller, Sir J. Y.	Knox, Col.
Burghley, Lord	Lascelles, hon. E.
Burke, Sir T. J.	Lockhart, W.
Cabbell, B. B.	Lygon, hon. Gen.
Compton, H. C.	Manners, Lord C. S.
Cotton, hon. W. H. S.	Manners, Lord J.
Dodd, G.	Morris, D.
Evelyn, W. J.	Mullings, J. R.
Forbes, W.	Newdegate, C. N.
Fox, S. W. L.	O'Connor, F.
Gaskell, J. M.	Raphael, A.
Gooch, E. S.	Richards, R.
Granby, Marq. of	Rushout, Capt.

Stanford, J. F.
Stuart, J.
Vyse, R. H. R. H.
Wynn, Sir W. W.

TELLERS.
Sibthorp, Col.
Alcock, T.

SUPPLY—NATIONAL EDUCATION.

Postponed Resolution [2nd July] read,
as follows :—

(1.) "That a sum, not exceeding 125,000*l.*, be granted to Her Majesty, for Public Education in Great Britain, to the 31st day of March, 1851."

MR. W. MILES said, he hoped that the Government would not press on the discussion at that late hour.

The CHANCELLOR OF THE EXCHEQUER considered that they should go on with the question, due notice having been given of bringing it on that night.

MR. HENLEY thought the course taken by the Government was hardly a fair one, considering the importance of the subject. It was impossible to have anything like a fair discussion at that hour of the night.

LORD J. MANNERS said, as the subject was important, and as there was an understanding that they would not go on with it at a late hour, it should not then be pressed forward.

LORD J. RUSSELL considered that at that period of the Session it was not an unreasonable hour to proceed with the discussion.

MR. GLADSTONE said, that the question had not been discussed for some time, and when a particular Member took it in charge it should not be considered he brought it on at that late hour. So far as he was individually concerned, he would be satisfied to wait for the result of the inquiry which he understood there was a distinct understanding should take place elsewhere. He wished to put a question to the Right hon. Gentleman the Secretary of State, with respect to the Minute relating to the Kneller-hall Training School. He had read the minutes and the general arrangements, and an account of the subjects in which candidates were to be examined, and he did not find in the list of subjects for schoolmasters, who are to be members of the Church of England, any subject that identified them in that capacity.

SIR G. GREY said, the examination of the candidates who were members of the Church of England took place under the superintendence of the principal and the clergyman, and they were to be examined in the formularies of the Church of England.

MR. W. MILES said, he felt great diffidence in calling the attention of the

House to the distribution of the grant; but as a member of the Church of England, he did object to it. Understanding that the subject was under discussion between the National Society and the Committee of Council, he had delayed bringing it forward, being perfectly confident that the National Society, having on its Committee the whole bench of bishops, the question could not be left in better hands. It went on for two years, and it was not until December last that the National Society closed their correspondence with the Committee. The Society had placed before the Committee petitions asking for freedom being given to local founders and for an appeal to the bishops; but they were refused. Previously to 1839 the grant of 23,000*l.* annually voted by Parliament for the promotion of education, was divided by the Treasury between the National Society and the British and Foreign School Society. In 1839, however, when the Members of the present Administration were in office, they issued orders in Council relative to normal and model schools, which excited the deepest feeling throughout the country against what was then termed a scheme of godless education. The Archbishop of Canterbury moved resolutions against the scheme in the House of Lords, which were carried by a majority of 111. That for a time stopped the proceedings of the Committee of Privy Council, and in 1840 was published what might be termed the *concordat* between the National Society and the Privy Council, the conditions being legal security for trustees and Governmental superintendence of the schools. It, however, soon became apparent that the Committee of Privy Council were bent upon enforcing conditions on the founders of schools which were distasteful to them. Archdeacon Sinclair had remarked that a feeling of security prevailed as long as the educational grant was controlled by the Treasury, but that suspicion and distrust had been engendered by the proceedings of the Committee of Council. As soon as the noble Lord opposite came into office in 1846, great activity was manifested in the Council Office, and in 1847 the adoption of the management clauses by the schools was made compulsory; that was what he objected to. The noble Lord and the right hon. Baronet opposite might recommend any regulations they pleased: but they should abstain from forcing them upon the schools. It appeared from the returns,

that half of the schools which had applied for aid to the Committee of Council, had rejected it rather than submit to the conditions which the Committee of Council wished to impose on them. One of the petitions which he had the honour to present, and which was numerous and respectably signed, after complaining of many of these circumstances to which he referred, alluded to the Kneller-hall establishment, which it declared to be full of danger to the teaching of the public, and was the commencement of a system of latitudinarianism. When they had examined the schoolmasters of their unions, they found that but little attention had been paid to religious instruction, and that the highest knowledge in divinity that was therein required, was a good Biblical knowledge, and the knowledge of the geography of Palestine. What did they find in a Minute to which his right hon. Friend alluded relative to Kneller-hall? No student was required to learn any religious formula to which he had a conscientious objection; and this was in a school where schoolmasters were trained entirely for the administration of pauper education in workhouses, and criminal education of youth in prison. There was no examination in the catechism, in the ordinances, or the prayer-book; there was, in fact, nothing whatever to show the distinctive mark of the Church of England. These schoolmasters were bound, upon the expiration of the term of their apprenticeship, to serve in these schools for a period of seven years. He could not but think that an education communicated under such circumstances must produce the worst results. Since the question had been discussed in the other House of Parliament, it had taken a different turn. Although a Committee had been denied to the noble Lord who made the Motion in the other House, yet the noble Lord the President of the Council stated, that the time had come when he thought an inquiry was necessary, and he only objected to it then, because it would be impossible to come to a conclusion on the subject before the end of the present Session of Parliament. As he (Mr. Miles) understood, there would be no objection to an inquiry in the next year, as the petitioners stated the applicants were unable, from conscientious scruples, to participate in those advantages which it was evidently intended by the Legislature they should enjoy. After the decision that had

been arrived at in another place, he did not think it necessary to submit a Motion upon the subject.

SIR G. GREY said, that the impression under which the hon. Gentleman had addressed the House with reference to the probability of an inquiry into the system of education established under the superintendence of the Committee of Council on Education, led him to state at once that to such an inquiry the Government would offer no objection. The hon. Gentleman had directed the attention of the House to two points—the management clauses and the establishment at Kneller-hall. With respect to the first, the principle on which the Government felt bound to act was, that it was the duty of the State, and of the Government as representing the State, and intrusted with the administration of the funds, to demand ample security for the management of the schools. They had not felt themselves at liberty to interfere with the nature of the religious instruction. With respect to the Church schools, the hon. Gentleman must be aware that the constitution of many of them having been shown to be most defective, it was thought essential by the Committee of Privy Council, in 1845, when presided over by Lord Wharncliffe, to take security against the continuance of that defective constitution of the schools. In 1845 the first management clauses were prepared. A correspondence took place on the subject between the National Society and the Committee of Privy Council on Education, and it seemed to be admitted that the Committee, so far as they felt it consistent with their duty, had shown themselves ready to meet any objections which could be urged to the details of the management clauses. But this the Committee did think it necessary to insist upon—that where it was possible to combine lay with clerical agency, lay should be combined with clerical agency. At the same time, there was not the slightest approach to an infringement of the right of the clergy to have the exclusive charge of the religious education of the schools. The Committee had the full concurrence of a portion of the clergy who did not enter into the views of the National Society. A statement was made that some clergymen, who had made application for grants, afterwards withdrew their applications on perceiving what was described as the insidious character of the management clauses. But the mischief which lurked in these management clauses

was not indicated. Did the hon. Gentleman mean to say the clergyman who had made and withdrawn applications apprehended the mixture of the laity as of a dangerous character? Such appeared to be the real nature of the objection. Allusion had been made to petitions against the management clauses. In one from the clergy and laity resident in the diocese of Bath and Wells it was said—

"We find ourselves called upon by present events to declare our conviction that national peace and prosperity depend essentially on the early education of the poor."

They went on to state—

"That by the term 'education' we mean training for time and eternity, and that according to our belief the Church of England is the divinely-appointed teacher of the English nation."

The petitioners further said—

"We deeply regret to perceive that within the last ten years a vast change has been rapidly taking place in the education of the children of the poor, and that this change has been introduced, and is now being carried into effect, by the Committee of Council on Education."

It was obvious that they objected to the existence of the Committee of Privy Council as trenching upon the rights of the Church as the divinely-appointed teacher of the nation.

"We observe that this Committee does not recognise the Church as the teacher of the people, but regards various and conflicting religionists as equally qualified to teach, and thus is morally disqualified from exercising any influence over the form and substance of religious instruction."

They denounced the proceedings of the Committee of Privy Council as an interference with the apostolical and evangelical mission of the Church. Such were what he must call the extravagant views of, he would not say a large portion, but of a portion of the National Society, who had taken a leading part in opposition to the views of the Committee of Privy Council. The hon. Gentleman did not appear to co in these extreme views. But was it just to say that the system of the Committee on Education was that pursued in France, Germany, and other parts of the Continent? Those having the control and management of the Church schools must be members of the Church. Those clergymen of the Church of England who expressed apprehensions as to the interference of laymen, and who would have the clergy have the exclusive control of the schools, were doing little to increase the affection, esteem, and regard which it

was his desire that the Church should secure, and the continuance of which was essential to the best interests of the country. With respect to Kneller-hall, it seemed to be imagined that the institution there was full of danger; but it ought to be remembered that it, Kneller-hall, was established as a normal school for two classes of schoolmasters—teachers for prisons, and teachers for workhouses. For some years past the want of qualified teachers for prisons had been felt. Many of those who were appointed were drawn from Scotland—not a few from the admirable training school in Glasgow, known as Mr. Stow's; and of these it could not be said that they have received instruction in the principles of the Church of England. So with respect to the workhouses; the teachers were taken from whatever sources were available. It had never been made a condition that they should be members of the Church of England. With respect to Kneller-hall, it was thought desirable that when a portion of the salaries of schoolmasters was defrayed by the public, measures should be taken for training schoolmasters; with that object it was thought desirable that the institution should be established, and that those who were educated there should be instructed in the principles of the Christian religion. Future opportunities would present themselves for discussing the subject more in detail; but he had thought it due to the hon. Gentleman that he should give the brief explanation he had now offered.

LORD J. MANNERS said, that in the spring of 1847, the Government had greatly extended the system of education. The Government proposal was strongly resisted by the Dissenters; but he asked any one who witnessed that debate, if he could for a moment have thought that it was the intention of the Committee of Privy Council to make those management clauses compulsory. Late in 1847, when such a rumour was propagated, he asked the noble Lord at the head of the Government whether such was the intention, and the answer then given was such as to remove all doubt upon the subject. The answer given by the noble Lord on the 12th of July, 1847, was—

"With regard to the first question of the noble Lord, he said that before the present Government were in office, certain propositions and conditions were placed before it by persons in connexion with the National Society. In order to prevent those

new conditions from being carried into effect in a manner the Committee of the Privy Council thought injurious, it suggested four forms of clauses that might be adopted in these trust deeds. A proposition to that effect had been made to the Archbishop of Canterbury in a letter from the Secretary to the Committee of Privy Council, and the suggestion was adopted; the only limitation being that, as his Grace desired, the local committees should be left at liberty to accept or reject. The further proposition was made, that normal as well as other schools should be included. With regard to the last question, the Committee of Privy Council had taken the suggestion of the Archbishop of Canterbury into consideration, and had adopted it in nearly the same words; but the clauses respecting trust deeds had again been submitted to his Grace, with a view to the admission of laymen; these clauses seemed to the Government to have been essential, and, as the National Society had not expressed any objection to them, he (Lord J. Russell) hoped they would be agreed to. They had, in point of fact, already been adopted in almost all the schools which had since received aid from the Government. With respect to the second question of the noble Lord, whether preferment in Ireland was only to be given to clergymen approving of the scheme of national schools, he had to state that there was no foundation for the rumour. Of course, every Government had its own reasons for preferring certain persons; but undoubtedly there would be no exclusion on the ground of non-adherence to the scheme of the national system."

And yet, not long after the period when the noble Lord made his statement, a minute was entered upon the books of the Committee of Privy Council, by which the operation of those clauses was made compulsory. He had frequently heard hon. Gentlemen opposite declaim very loudly, and very warmly, on the blessings of religious liberty. Would they support a Government in a direct infringement on that liberty? What could be more against religious liberty, or against the cause of education, than to insist that, before any money was granted by the State to aid in the purposes of instruction, the layman or clergyman who applied for the grant should be obliged to conform to the *dicta*, or prejudices, or caprices of half a dozen gentlemen sitting in Whitehall? He repeated that political and religious liberty was invaded by the enforcement of those clauses. It was all very well so long as they were recommendatory and not compulsory; but why should it be presumed that the decisions of the Committee of the Privy Council were infallible? Why should it be supposed that Englishmen who were willing to subscribe funds—pious, well-disposed men, men who were willing to build and found schools—should not be able to have those schools properly conducted without

the arbitrary interference of the Committee of the Privy Council? But the right. hon. Gentleman said that the majority of the clergy was in favour of those compulsory clauses. Very likely. But did the right hon. Baronet lay it down as a principle that the consciences of the majority were to be strictly respected, while the consciences of the minority were utterly disregarded? Was that the theory of men who had the words "civil and religious liberty" always on their lips? He must also allude to the memorial which had been presented respecting those compulsory clauses. [Sir G. GREY said, that he did not consider those schools could be efficiently carried on unless those compulsory clauses were enforced.] Did the right hon. Baronet mean to lay down as a position that those schools could not be efficiently managed by the clergy? He hoped this dictum of the right hon. Baronet would go forth to the country. He objected to the constitution of the Committee of Privy Council altogether. What the memorialists asked for, what he asked for, and what the country had a right to expect was, freedom and liberty of instruction. That right could not be consistently resisted, and would not long be successfully resisted. They only asked for themselves that which they willingly conceded to others; and his belief was that, if the Government persisted in its present course, it would excite feelings of suspicion, distrust, and alienation amongst a great body of the Church of England. Let them do justice—even-handed justice—that was all he asked.

MR. ADDERLEY said, the right hon. Gentleman the Home Secretary had represented the feelings of the petitioners to be that of arrogating to the Church the exclusive right of educating the people of the country in the schools in the hands of the Church. Now, he (Mr. Adderley) considered that an entire mistake. What the petitioners asked for was, that if any body of Churchmen wished to raise funds for starting a school of their own, they should be allowed the same participation in the national grant as was conceded to other bodies for the purpose of carrying out their own system. And he would put it to the right hon. Gentleman whether it was dealing with equal fairness towards all, if Churchmen, desirous of instituting schools for themselves, were deprived of a share of public money merely because they wished to have their own particular school

under the management of their own particular Church?

MR. PLUMPTRE thought the noble Lord the Member for Colchester had rather overstrained the meaning of the right hon. Baronet with reference to the inefficiency of the schools. He did not suppose that the right hon. Baronet meant all schools were inefficient that were not under the management clauses, or because certain clergy were connected with them, but that particular schools so situated might not be efficient.

MR. W. P. WOOD thought that the right hon. Baronet had not fairly represented the case of the National Society to the House, when he brought forward a memorial which appeared to have emanated from some Gentleman entertaining strong views. [Sir G. GREY had no wish to conceal from whom the memorial came. It was from the Rev. Mr. Denison.] He was not, as a member of the National Society, bound by any views Mr. Denison might entertain. The memorial seemed to assume that there was something incorrect in the Government affording aid to Dissenting schools. Now, it was perfectly clear that such was not the sentiment of the Church of England, for it supported the granting of support to all denominations, provided that they made voluntary contributions in aid of the Government grant. It was not fair to read the memorial of two or three clergymen, and then say that their view was the point in discussion between the National Society and the Committee of Privy Council. Then, it was alleged that there was an aversion on the part of the National Society to lay interference. That was a misunderstanding; and that it was so, was evident from the fact that the National Society recommended these very management clauses, which the Government thought the best, up to a certain time. But it was plainly understood by them that freedom should be allowed to persons who might take a different view; and it was only after the Committee of Privy Council, not content with recommending these clauses, insisted upon them in an unlucky hour, as the best possible, and that every thing else should be repudiated and rejected, that the National Society felt it to be their duty to withdraw their assent from clauses which would deprive their subscribers of liberty of action. The House thought fit to promote education by the combined action of voluntary assistance

and support from the State. That system worked so well, that during the ten years of its existence the number of children attending the national schools had increased by 400,000. It was not, therefore, likely that they would give it up, nor was it just that those who contributed two-thirds of the amount to the school should be deprived of all control. He was glad that a Committee was likely to be granted on this subject; because it would tend to allay the heats and errors at present existing. But it was not unnatural that the clergy should show some uneasiness on this subject when they saw clauses, which were at first merely voluntary, afterwards made compulsory. A great constitutional question also arose from this matter, because a large sum of money—a sum increasing every year—was placed at the disposal of the Government, for the distribution of which no individual Minister was responsible; and the Privy Council, sitting in conclave, might issue orders respecting it from which there was to be no departure. It was not reasonable that of three parties founding a school the party who contributed one-third should claim to lay down all the rules of management. For his own part, whilst he admitted that there had been errors on both sides, he could not think it wise, if the Government wished to stimulate voluntary exertions, to lay down a set of cut and dried pedantic rules from which there should be no departure. He trusted that, ere long, they might be able to come to some cordial understanding to wage war against nothing but infidelity.

LORD J. RUSSELL thought the hon. and learned Gentleman had really not properly represented the conduct of the Committee of Privy Council, when he said that they assumed the power to regulate the whole of these schools, and declared that their regulations were to be binding without any reference to the founders of the schools whatever. The fact was, that the Church and the Committee of the Privy Council came to an agreement in 1840, by which these grants were to be regulated. He thought it was a fair agreement, but it gave very great power to the archbishop and the bishop. The inspectors were to be named in conjunction with the archbishop. They were not to exercise any inspection without their consent. The reports were to be sent to them, and the whole religious inspection was placed under their conduct. Now, that was an agree-

ment certainly not hostile to the Church of England. Afterwards there was a question with regard to the clauses of management; and he thought that the hon. and learned Gentleman had admitted a good deal when he said, in the first place, that it was very desirable that provision should be made for the perpetual management of these schools, and, secondly, that those clauses had been recommended by the National Society themselves. But the objections that were made were as to the interference of the Committee of Privy Council in any way on the subject. No doubt it was right to give every encouragement to voluntary zeal and local bodies; but, suppose that those local bodies, in their voluntary zeal, neglected the clauses by which they founded their school so much that the conveyance should be altogether invalid in law, or that it was settled in persons who would provide for no future management of the school? The hon. and learned Gentleman admitted, however, that it was right there should be that permanent management; and that was an answer to those who said that it was altogether wrong for the Committee of Privy Council to interfere in any way with the deeds and arrangements of the school. So far, however, he agreed with the hon. and learned Gentleman. Then the next question was as to the efficient management of those schools. With respect to that subject, again, it was not denied that it was desirable there should be some lay members of the Church who should be on the committee of management; and he said "lay members of the Church," because that had been very strictly required by the National Society; and, whether necessary or not, they had asked a power which had been conceded, by which, though there might be lay members on the committee, yet they were members of the Church of England, and their character of laymen did not deprive them of their character of Churchmen. Upon that point, again, they agreed. He now came to the body which was to be perpetual, which consisted of the clergyman, and in populous places of some lay members of the Church; and there was this further security, which had been asked and agreed to, that the religious education should be entirely under the superintendence of the clergyman and the bishop. The bishop might exclude from the schools any books that might be objected to on religious grounds, and he might insist upon the removal of any master or mistress, if

they were not sound in religious doctrine. That was, so far as the religious teaching was concerned, a complete exclusion of the Committee of Privy Council, and of any body but the clergyman and the bishop. He next came to the question of secular teaching; and the Committee of Privy Council said that if a question arose upon this head there should be a committee of laymen, who should consider it along with the clergyman, and then, if an appeal should be required, that it should be a fair appeal to an indifferent tribunal. The National Society required, on the other hand, that if the clergyman should be of one opinion, and perhaps six or seven members of the committee of a different opinion, the question should be decided by the bishop. It did not appear to him that that would be a wise and efficient course. Considering whence the funds came, he thought it desirable that the lay members should have some voice, and that they should not be entirely suspended by the clergyman and the bishop alone. Then, what the Committee of Privy Council said was, that in such cases there should be a fair appeal, and that if the school committee wished to make the school altogether an ecclesiastical body, both as to secular and religious teaching, they must provide for it out of their own funds, without the assistance of the State. He did not think that the proposition of the Committee of Privy Council was an unreasonable one. If there should be a Committee of Inquiry next year, and if it should then appear that the Church of England had enjoyed great advantages under the present system, and that large sums of money had been given to meet the subscriptions of its members, which might be calculated to raise some jealousy on the part of those who dissented from the Church, that was a question to be considered by those who asked for this inquiry, rather than by the Government. He thought that the Government made none but fair conditions with respect to those grants—that the Committee of Privy Council were reasonable—and that, if they indulged in any unreasonable assumption of power in any one year, it was, of course, a question for Parliament, and the grants could not go on as before. For himself, he believed that great good had been effected by these grants. He believed that three-fourths of the whole had gone to the Church of England, and that it was desirable, both for the sake of the Church itself and the general public, that the sys-

tem, as at present constituted, should continue.

MR. ROUNDELL PALMER said, the question was, whether a body intrusted with the distribution of a Parliamentary grant to promote education ought to use that power indirectly, so as to control the development of education among the religious bodies. The most wise and politic course was to promote by voluntary efforts the spread of useful education, and not to impose checks and impediments in the way of that voluntary effort. Now, if there existed any religious body whose principles led them to found schools upon those principles, and if the number of the schools founded by that body were diminished by certain regulations, then the Committee of Privy Council were checking the very thing which the grants were intended to promote. He said this, whether these parties were Dissenters, members of the Church of Scotland, Roman Catholics, or members of the Established Church. He thought such a course still more impolitic if these schools devoted themselves exclusively to religious instruction, because Parliament could not exercise a direct control over any religious body. Now, in the Church of England there was a body of persons who were disposed to come forward liberally and aid in the foundation of Church schools upon the principles of clerical management. It might be quite right to encourage and to assist schools founded upon the principle of lay management; but if there were members of the Church who would aid more liberally in the maintenance of schools under clerical management, he thought that both would be found useful assistants in the work of education. But if the Government said they would grant no aid to these schools under clerical management, then they roused against them the independent feelings of the Church. The National Society would find itself compelled to receive separate subscriptions from those who would support clerical schools and no others, and they would thus prevent the national schools from aiding so efficiently in the work of education as they otherwise might be enabled to do. The true course to pursue was not to be exclusive. All persons who came forward to found schools should have their proposals freely entertained, and they should not be excluded from the benefit of the grant because they had founded schools in accordance with their religious principles.

MR. W. J. FOX said, he coincided in

much that had been advanced by the hon. Member who had last spoken. He thought that the most perfect freedom of action should be conceded to those who in any way whatever attempted to promote the great object of the education of the poor; that all churches and all individuals who thus manifested their liberality should be free to make whatever regulations they pleased, and to manage their schools in whatever manner they thought best. The business of the State in its encouragement of them was to look to results, rather than to arrangements and management, and to extend its liberality in proportion as they showed themselves efficient in producing moral, useful, and industrious members of society. He therefore thought no school ought to be excluded, because its founders thought fit to put it most entirely under ecclesiastical management. He might question their wisdom in so doing; he might doubt whether ecclesiastical bodies had ever been the most ardent and active friends of education; but he fully recognised the right of others to take a different view, and to see in ecclesiastical interference what they thought the best security for the most wholesome kind of instruction. Whilst admiring in many particulars, the conduct of the Committee of Privy Council, he thought this mistake was apparent in many of their proceedings; they looked too much to machinery, and too little to actual results. It was not in the building of schools, in management clauses, in the appointment of trustees, and in those various arrangements in which there had been too much of minute superintendence, that the proper grounds existed for State encouragement; they should inquire rather what were the actual results; and according to those results should be their encouragement and patronage of the different schools by which they were produced. If they found schools training up men who worthily filled their several stations in society—if they found them checking the amount of crime, pauperism, and misery in the localities in which they were established—if, on the periodical visits of the inspectors, these schools were found in a flourishing condition as to the intellectual and moral results of their teaching—the liberality of the State should be guided by these actual practical results; and whether men contributed largely or scantily—whether they tied up their schools to this or that particular church, sect, or denomination, or made them as free

and open as they could—whatever these arrangements might be, they should be left in all cases to the parties. A body constituted like the Committee of Privy Council was not the best and most perfect means of communicating instruction and training. We were yet a long way from that; and the way to progress towards it was, not by minute directions of a central power, but by assisting different kinds of schools in different localities—by assisting one school instituted on the most rigid and exclusive principles—another on the widest and freest basis. Some schools flourished by teaching in one method, some in another, and often according to the idiosyncrasies of the teachers employed in them. Therefore, the best mode of administering this grant, and the way to make it most productive of good, was simply for the inspectors to report, not on the amount of subscriptions, the visiting arrangements, or the constitution of the trustees, but on the number of children well and wisely educated; and where such satisfactory results were obtained, there let the public liberality be proportionably bestowed.

MR. HENLEY agreed with the hon. Gentleman who had last spoken, that the inspectors ought not to inquire into the character of the trust-deed, but the result of the teaching. But the Government, in the construction they had put upon the points now in dispute, had certainly departed from the understanding come to in the years 1839 and 1840, and a certain portion of the people had a right to complain of this. The rules of the Committee of Privy Council worked particularly hard and unjustly in the case of small agricultural parishes, because under no circumstances could they avail themselves of the grants made in other places to masters, pupil teachers, and the other machinery that the Government had introduced. The children in these parishes went out to work so early, and the masters were of so inferior a class, arising from the slenderness of their emoluments, that the only advantage they could get from the grant was that which the Government used to afford them in the building of the school-houses. Of this advantage they were, however, now debarred, because in many of these parishes there did not exist the materials for forming a lay committee. The right hon. Baronet the Home Secretary had made a statement which he thought would rather astonish some parties by the frankness with which it sketched out what kind of

education Her Majesty's Government intended to give at Kneller-hall. The right hon. Gentleman had stated that there were to be no formularies of religion taught even to members of the Church of England.

SIR G. GREY said, he had most distinctly stated that, although it was not provided that formularies of religion should necessarily be taught to any of the pupils, it was provided that the principal should be a member of the Church of England. He had therefore assumed, as a necessary consequence, that members of the Church of England would be taught the formularies of that Church.

MR. HENLEY said, that there were many schools provided over by members of the Church of England in which the formularies of the Church were not used, so that that was no security. He maintained that if a man belonged to the Church of England he ought to be so educated; and if he was a Wesleyan, or a Roman Catholic, let him be so educated; but he decidedly objected to the milk-and-water slip-slop system which made a man neither one thing nor another.

Motion made, and Question proposed, "That the said resolution be now read a second time."

Question put, and agreed to.

Resolution read 2^o, and agreed to.

HOME-MADE SPIRITS IN BOND BILL.

Order for Second Reading read.

LORD NAAS moved, "That the Bill be now read a Second Time."

The CHANCELLOR of the EXCHEQUER felt it to be his duty to resist the Motion, because it was one which, in his opinion, was founded upon no adequate reason, and which would inevitably open the door to a vast amount of fraud. He did not think that the Scotch and Irish distillers had any claim whatever to pay a less amount of duty than they now paid upon their spirits. On the contrary, he thought they ought to pay rather more than less, so far as general policy was concerned; although, for the sake of avoiding illicit distillation, it was found necessary to ask them to pay less duty than the English distillers. He thought every Gentleman would admit, that it was exceedingly desirable that there should be one uniform system of levying the duties in the three countries. Now, the system at present in operation was a uniform system of charging the duty upon the quantity of spirits which appeared at the conclusion of the

distilling process, or at what was technically called "the worm's-end." Now, it was admitted in evidence before the Committee which sat on this subject by the distillers themselves, that it was perfectly impossible, with any sort of decent security, to charge the spirits distilled in England in any other manner. He must repeat the opinion which he had previously expressed, that it would be most unfair to do that for Scotland and Ireland which they had refused to do for England; and he was bound to inform the House, that he had received from the English distillers strong representations, setting forth with great truth the injustice of any such arrangement. The demand made was, that foreign and British spirits being placed in a certain relative position towards each other, spirits the produce of different parts of the united kingdom should be similarly treated. Now, there was not the slightest similarity between the two cases, for the warehousing and bonding system was wholly different from the practice under the excise laws. When an article was warehoused in bond, it became impossible to say when it would pay duty, for it never did pay any duty till it was brought into consumption; but the principle of the excise was, that the duty should be levied at the earliest possible period; but though the amount of duty was thus ascertained, indulgence for the payment was usually given to the extent of three or six months' credit. If the distiller were treated as the maltster was, he would, of course, have to pay his duty at the worm-end; or, rather, he would be charged at the worm-end and pay in six months; but, in a bonding warehouse, he would be allowed a credit of indefinite length, and so be placed in a more favourable situation than any other person liable to the excise laws; but, though the distillers were in this way so favourably treated, yet that indulgence was made a ground for a demand of further indulgence. The only apparently fair ground upon which the distillers of Scotland and Ireland could complain was, that the colonial spirits were introduced at a rate of duty unjustly low, and that the distillers in those parts of the united kingdom were therefore exposed to a dangerous competition. But if those Scotch and Irish distillers were injured by the competition of rum, the remedy for that would be to alter the differential duties, and in a direct and fair manner to carry out the plan of the noble Lord the Member for Kildare. The noble

Lord grounded his case upon the injury which the competition of the colonial spirits occasioned; but nothing could be easier than to show that the produce of home-made spirits in Scotland and Ireland was not injured by the introduction of rum at the present duty. He should not go into the question of the abstraction of spirits while in the warehouse, because, whether abstracted or not, he got the duty; but he would just shortly call the attention of hon. Members to the quantities of rum and of home-made spirits consumed in the years 1847 and 1849 respectively. In the former of those years the quantity of rum consumed in Scotland and Ireland was 558,000 gallons, while in the latter it was only 432,000, showing a diminution in that short period of 126,000 gallons, and that, they said, was swamping the Irish and Scotch distillers. Then the quantity of home-made spirits, the produce of Scotland and Ireland, consumed in the first of those years, was 12,230,000 gallons, while in the latter it was 13,908,000, showing a difference in favour of 1849, as compared with 1847, of 1,678,000 gallons, and then the producers of home-made spirits declared that they were ruined. For every 100 gallons of home-made spirits consumed in Scotland there was only a consumption of four gallons of rum, and for every 100 consumed in Ireland only two gallons and a half of rum. On these grounds, then, he did not hesitate to say that the noble Lord had altogether failed in making out his case. The duties in this matter had been carefully adjusted in 1848, and if the arrangement then made were to be altered, he thought that it ought to be not indirectly. He therefore, for these reasons, opposed the measure of the noble Lord.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. WYLD moved the adjournment of the debate.

MR. F. MACKENZIE: I shall certainly resist that Motion.

MR. ROCHE said, when the Government had business to carry through the House, no such Motion as that made by the hon. Member for Bodmin was made by the supporters of the Government. If hon. Gentlemen were anxious to go to bed, it would be better for them to decide upon the question at once.

MR. BASS said that, until the matter was more fully discussed, he should not be satisfied.

MR. REYNOLDS could not help expressing his surprise that the hon. Member for Bodmin, after having heard the speech of the right hon. the Chancellor of the Exchequer, could have made such a Motion. Of course it was the hon. Gentleman's intention to deprive the Irish Members of the benefit of a division that would most likely prove to be triumphantly in their favour.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 95; Noes 135: Majority 40.

MR. F. MAULE protested against the measure on behalf of the people of Scotland. Within the last few months meetings more important than he had ever seen in that country had taken place upon the increasing intemperance of Scotland. At the last General Assembly of both Churches in that country, addresses had been agreed to upon the subject, and steps had been taken to organise in Scotland societies which should endeavour by all means in their power to put an end to that which was considered the great calamity of that country. He would confine himself solely at present to that portion of the question. He had had entrusted to him a petition on this subject, in which the petitioners implored the House not to pass this Bill. It could not be doubted that this was a question affecting a particular trade in Scotland. It was a essentially a distiller's question, and they would find before long that the voices of the people of Scotland would be raised against it; and it would become a national as against a distiller's question. Of that agitation he felt as confident as that he then stood in that House. The tendency of this Bill was, to render whisky cheaper in Scotland than it was at present. It was owing to the present cheapness of whisky that at this moment the gaols of Scotland were filled with criminals. Cheap whisky was filling their poorhouses with paupers. The proceedings of the courts of justice in Scotland, from the highest to the lowest, bore daily testimony to the awful results of the increased consumption of whisky. It might be a light matter for that House to deal with; but he did implore them to consider what the effects of such a measure as this would have in increasing crime and pauperism. He was sure that any hon. Gentleman who might have watched the increase of the poor-rates of Scotland

would not willingly lend his aid to a measure whose inevitable result would be the raising of the poor-rates of the country; and he was sure he saw many hon. Gentlemen opposite who would not willingly lend their aid to a measure tending to increase the crime of the country. And yet he did most sincerely protest that, in his conscience, every step they took in the direction of rendering ardent spirits cheaper would be followed by these two lamentable results. On behalf of the humbler classes of his fellow-countrymen especially, he implored the House not to pass this measure. He should feel it his duty to oppose the Bill in every stage; and he did most earnestly trust that a returning sense of justice to the poorer classes of his country would prompt the House to reject the measure.

LORD J. RUSSELL: There are several hon. Gentlemen who, though apparently anxious to address the House on this subject, have not had an opportunity of doing so; yet I think the last division showed that it is clear that a majority of the House is in favour of the present stage of the Bill, and I shall be quite ready to regard that division as a division upon the Bill, and not divide upon the second reading. At the same time I think it right to say that we still retain the objections which my right hon. Friend the Chancellor of the Exchequer has stated to this measure, and that we shall oppose its subsequent stages.

Bill read 2^o.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 5, 1850.

MINUTES.] PUBLIC BILLS.—1st Sheep and Cattle Contagious Disorders Prevention Continuance.
2nd Union of Liberties with Counties.
Reported.—Upton cum Chalvey Marriages Validity.
3rd Tyne Navigation; Australian Colonies Government.

EXHIBITION OF THE WORKS OF INDUSTRY OF ALL NATIONS—EXPLANATION.

LORD CAMPBELL asked the indulgence of their Lordships while he referred, for a short time, to the speech delivered last night by his noble Friend the Vice-President of the Board of Trade. His noble Friend had referred to some information which he had received, stating that a near relative of his had signed a memo-

morial praying that the Exhibition might take place in Hyde Park. Now the facts were these: Some months ago his relative had signed a memorial in favour of the Exhibition; but that memorial did not contain a word relative to the locality in which the Exhibition was to be held; it neither mentioned Hyde Park nor any other locality. He relative had always lamented that the locality fixed on by the Commissioners was Hyde Park. He also heard that there was a report generally circulated, that he had never uttered a word of lamentation over the trees which had been cut down until they were actually felled. That was not so. He knew the locality of those trees well; and one morning he found that they were all felled to the ground, save one, which he supposed was left to tell the melancholy story of the rest. He had always lamented that those trees were to be cut down, and he did not lament their loss the less on account of the recent report of the Commissioners. It was said that another clump of trees was to be planted for the clump of trees, forty years old, cut down by order of the Commissioners. The new clump would be of little use to us, whatever it might be to our children and grandchildren.

EARL GRANVILLE lamented that any statement which he had made had given pain either to the noble and learned Lord himself, or to his son, for both of whom he entertained a strong regard. He could not, however, retract the statement which he had made yesterday—namely, that Mr. Campbell had signed a requisition approving of the objects of the Exhibition, and ending with the words that such an exhibition would be favourable to the metropolis, and especially to the west end of it. As to the trees which had been cut down, he would not renew the debate which took place last night, but would merely state that a great literary authority upon gardening had expressed an opinion that that clump ought to have been removed long since for the ornament of the park. He had also to inform their Lordships that Mr. Justice Cresswell had stated to Mr. Labouchere that morning that there must be some misapprehension of what he had said on the subject of Hyde Park. That learned Judge admitted that he had said that the Exhibition would be troublesome to himself and family; but he had never given an opinion that the holding of it in Hyde Park would or would not be illegal.

LORD CAMPBELL, in reply, observed, *that the opinion of Mr. Justice Cresswell*

would be best ascertained by referring to his evidence before the Commissioners, and to the letter from that learned Judge which he had read yesterday to their Lordships. His relative had never given any opinion as to the site on which the Exhibition should be held. This was the first time that he had ever heard of the Commissioners having given an opinion that this clump of trees was objectionable in the eye of good taste.

The EARL of WICKLOW observed, that it was surprising that no notice had yet been taken of a site which was quite as convenient for this Exhibition as Hyde Park. It was a piece of ground lying between the North-road and Primrose-hill. The locality was convenient to the public, and easy of access. It was close to the North Western Railway station. The materials for the building could be conveyed to it with ease, and the ground was quite large enough for the site. He hoped that the Commissioners would turn their attention to this locality.

The EARL of ELLENBOROUGH wished to know whether any communication had yet been made by Her Majesty's Ministers to the representatives of foreign Powers in this country as to the course which they would pursue in case any malicious injury were done to the property of foreigners sent to this Exhibition, supposing they should be unable to recover compensation according to the laws of England. On the 10th of April, 1848, a great number of persons professing very liberal opinions took it upon themselves to walk in grand procession; and in the course of their walk took it into their heads to pilage the property of several individuals. Now, it was held by our courts of law that the owners of that property could not recover any compensation from any quarter, because those very liberal gentlemen had not begun to demolish the House. A similar case might occur when this gigantic Exhibition took place; and he wanted to know whether Her Majesty's Government intended to do as they wished to be done by? In other words, would they pay compensation to the foreigner on the same principles on which they had exacted it in the case of Don José Pacifico, or would they act on the ordinary law of nations?

The MARQUESS of LANSDOWNE: I have no doubt that if a son of my right hon Friend the Secretary at War shall excite and lead the mobs to the spoliation, which the noble Earl so mirthfully anticipates, we shall give compensation.

DENMARK AND PRUSSIA.

LORD BEAUMONT, after a brief apology for putting a question to his noble Friend the President of the Council without notice, justified himself for putting it forthwith as it related to a subject of great importance, affecting the trade of the country, and bearing materially on the general peace of Europe. A report had prevailed very generally that morning that the negotiations which had been carried on for a long time between the Governments of Denmark and Prussia had been at last terminated by a peace between those two Powers. If this report were true, the confirmation of it by Her Majesty's Government could not be announced too soon. He, therefore, asked his noble Friend whether the report thus spread was true?

The MARQUESS of LANSDOWNE had great pleasure in informing his noble Friend and their Lordships generally that a treaty of peace putting an end to all differences between Denmark and Prussia had been concluded under the mediation of this country.

PARLIAMENTARY VOTERS (IRELAND)
BILL.

Order of the Day for the House to be again in Committee read.

House in Committee accordingly.

The 17th Clause, providing that the clerk of the peace in every county shall cause a sufficient number of forms of precepts, notices, and lists to be printed as required by the schedules annexed to the Act, and shall, on or before the 1st day of June, in the year 1850, send his precepts to the clerks of the different unions, and shall, in subsequent years, send his precepts, together with copies of the registers of voters—

The MARQUESS of LANSDOWNE proposed, as an Amendment, to strike out the words "first day of June," and to substitute for them the "ninth day of August." He also proposed to add to that part of the clause which requires the clerk of the peace, in subsequent years, to send his precepts to the clerks of unions, the words "on or before the first day of June."

LORD STANLEY rose to state the grounds on which he objected to the Amendment just proposed by the noble Marquess, and the reasons why he thought that it would be matter of public convenience to have the day further postponed for the commencement of the opera-

tion of this Bill. According to the Bill, as it was originally drawn, the registration was to commence on the 1st of June in each year, and the clerks of the peace in each county were then to set on foot all its machinery. Now, the 1st of June in this year was already past, and the noble Marquess, in consequence, wished to postpone the commencement of the registration this year to the 9th of August. Now, as this Bill had not yet made its way through the Committee in their Lordships' House—as the Amendments made in Committee would have to be considered on the report—as the Bill would then have to be read a third time—as it must then be sent down to the other House for reconsideration—and as there might be conferences held between the two Houses upon the points on which they differed—he thought it possible that by the 9th of August the Bill would not have received the Royal Assent, and in that case further postponement would be necessary. But, even supposing that the Bill should receive the Royal Assent before that day, their Lordships would find that the clerks of the peace in the different counties of Ireland were required to circulate certain forms among the clerks of the unions in their respective counties. All these were duties thrown upon the clerks of the peace, and would cost them much work and time. Now, by the 9th of August it was possible that the Bill might be passed; but even if it were passed on the 2nd of August, the clerks of the peace would not have time to perform the duties which were thrown upon them, and for the non-performance of which they were liable by a subsequent clause of this very Bill to severe penalties. Now, this clause, as it stood amended by the noble Marquess, rendered it necessary to postpone all the other dates in the Bill, especially those in which the assistant barrister was concerned. He was to perform his revision of the lists between the 7th of September and the middle of October, at which period he would be at the sessions; but the registration for 1850 was now proposed to take place between the 20th of November and the 31st of December. Now, that was a period of the year which might almost be called the depth of winter, in which the days were the shortest and the nights the longest; and yet, with all the excitement which a registration created, it was now fixed for such a period of the year as he had just described. In Ireland, it was desirable that you should select for such a

purpose the period of the year when the nights were shortest, and the days longest. Now, he proposed to alter the date of "the 9th of August," which the noble Marquess proposed, into "the 1st of June, 1851;" and for this among other reasons—If, in consequence of the amendments made in this Bill in that and the other House of Parliament, there should be found in it some technical blunder which called for correction, Parliament might make that correction, by Bill early in the next Session, and thus you would bring the Bill into operation in a perfect shape on the 1st of June, 1851. The registration, under the Amendment now proposed, could not be complete until the 1st of January, 1851; and then you would have another registration to commence on the 1st of June in the same year. The urgency of the Bill was not so great as to overcome the objections which he had taken to it. If this Amendment should be pressed by the noble Lord, he should certainly take the sense of the House upon it.

The MARQUESS of LANSDOWNE said, that if any further alteration was to be made in this date, it ought to be at the very last stage of the Bill. The result of acceding to the long postponement proposed by the noble Baron would be this, that, after Parliament had determined, in two successive Sessions, that the county constituency of Ireland ought to be enlarged, the enlargement of it would be deferred for another year.

LORD MONTEAGLE and the Earl of WICKLOW thought that there was great weight in the arguments of Lord Stanley.

EARL GREY preferred the Amendment of his noble Friend near him to that of Lord Stanley. His noble Friend agreed to take any number of days that might be fixed on for the completion of the Bill; but the noble Lord opposite would prevent the new registration, and what was closely connected with it, the new franchise, from coming into operation until the end of the next Session of Parliament. He (Earl Grey) thought that such a mode of proceeding was not quite constitutional. If the noble Baron's proposition were adopted, and Parliament should be dissolved in the interim, it would be a hard case that the Members for Ireland could not be re-elected except by a body of electors whom Parliament had already condemned.

LORD STANLEY could not consent to postpone his alteration of the date to the last stage of the Bill, because all the other

dates in the Bill depended upon it. Neither the noble Marquess, nor the noble Earl opposite, had taken any notice of his observations upon the inconvenient period of the year at which the registration was to take place. There was another argument against the Amendment of the noble Marquess which he had forgotten to mention when he last addressed their Lordships. It was not denied by any of their Lordships that the valuation on which the registration was to be founded was at present very inaccurate, and that we should soon have another valuation much more correct. The postponement which he proposed would enable the country to have a correct valuation; and this would give them a correct basis for their new registration.

The EARL of ST. GERMAN'S admitted that there was great force in the last observation of the noble Lord, although he was anxious to give Ireland the benefit of this measure as soon as possible.

A conversation then took place across the table between the Marquess of LANSDOWNE, Lord STANLEY, and Earl GREY, who proposed to make the new system of registration commence on the 1st of January, 1851, and to be in force till the 1st of June, 1852, so as to prevent the necessity of two registrations within a very short period. The subsequent registrations might commence on the 1st of June in each year, and thus, except in this exceptional case, no further alterations in the subsequent dates of the Bill would be required.

LORD MONTEAGLE thought that the compromise offered by Earl Grey was a very satisfactory means. He did not think that there was much in the argument which the noble Marquess had founded on the season of the year,

After some further discussion, in which the Marquess of LANSDOWNE, Lord STANLEY, Earl GREY, and Lord BROUGHAM joined, it was agreed that the Amendment of the noble Marquess should be withdrawn, and that the Government should bring up a series of new clauses to carry out the compromise suggested by Earl Grey.

Clause 2 was struck out.

On Clause 3, which gives persons entitled to estates in fee or in tail, or for life, of the rated annual value of 5*l.*, votes in counties,

The EARL of ST. GERMAN'S expressed a fear that by this clause facilities would be given for the creation of faggot votes, especially in the case of tenants for life.

LORD REDESDALE thought, that to

entitle to vote under this clause occupation should be necessary.

The MARQUESS of LANSDOWNE said, the proposal of the noble Lord would lead to a great innovation in the nature of freehold qualifications, and he thought it was not likely to be acceded to by the House. He was as much opposed to the creation of fictitious votes as the noble Earl (St. Germans), and in order to meet his views he would propose to insert words which would provide that the annual value of estates held by tenants for life should be 5*l.*, "free of all charges except rates and taxes."

LORD BEAUMONT thought that if the words "at a rent" in the 35th line were left out, it would meet the object the noble Earl had in view. The words in the clause were, "such tenant for life not being a lessee or assignee of a lessee at a rent." The omission of the last three words would fix the character of the voter, as it would include all leases, and would prevent lands being made over to persons for life merely for the sake of creating votes.

The EARL of WICKLOW thought it exceedingly unlikely that landowners would transfer by regular deed portions of their land to other parties merely for the purpose of creating 5*l.* votes. No man would be so foolish as to hand over his property in that way to others.

EARL GREY thought it would be prudent to adopt the course proposed by the noble Lord (Lord Beaumont), by leaving out the words "at a rent;" but he would suggest that, in addition to the words "not being a lessee or assignee of a lessee," the words "or under lessee" should be inserted. Then let the proposal of his noble Friend (the Marquess of Lansdowne) be agreed to, making the annual value 5*l.* free of all charges, except rates and taxes.

Amendments agreed to.

Clause to stand part of the Bill.

Clauses 4 and 5 were agreed to.

On Clause 6,

LORD STANLEY drew the attention of their Lordships to a difficulty which would arise in consequence of the alteration which their Lordships had made in the amount of the county franchise by substituting 15*l.* for 8*l.*, though the very same difficulty would have arisen had the qualification been fixed at 12*l.* As the Bill was originally framed, it was the intention of the promoters that the county and the borough franchise should be identical. The House

had, however, resolved that the county franchise, as regarded lands and tenements, should be 15*l.*; but they had not yet dealt with the borough franchise, nor had he any wish that they should do so with the view of raising it. But their Lordships were aware that counties of cities in Ireland often embraced large agricultural districts around them. Cork, for example, had about 40,000 acres of this description. Now, by the Bill as it stood, a 15*l.* rating, in respect of land, was the qualification for counties, while in boroughs it was 8*l.*, and the consequence was, that in these counties of cities a person in the possession of land would be entitled to a vote though not rated at 15*l.* A man who occupied a field, for example, though he did not occupy a house rated at 8*l.*, would become a voter, notwithstanding his not being rated for the field at 15*l.* He did not intend to propose any amendment, but he was afraid that some confusion would be caused by this state of things. There was another point worthy of their Lordships' attention. It was possible that a person might have a vote on an 8*l.* rating who paid no rate at all. Many persons were rated for the poor at 8*l.* who were nevertheless exempted from payment, the rate being paid by the immediate lessor. Yet, because their names stood on the ratebook as the possessors of houses rated at 8*l.*, they would be entitled to vote.

The EARL of CARLISLE said, the difficulty to which the noble Lord first referred arose from the Amendment which the House had been pleased to adopt.

LORD STANLEY begged to say, that the same difficulty would have arisen if a 12*l.* qualification, which was voted for by the Government, had been adopted.

The EARL of CARLISLE, with reference to the other statements made by the noble Lord, had only to observe that by another clause of the Bill it was provided that 8*l.* occupiers should pay their own rates.

Clause agreed to.

On Clause 7, referring to the case of joint occupiers in cities and towns,

LORD STANLEY said, that by the clause, as it stood, it was not necessary that the persons rated should be either tenants or joint occupiers. If the House were of the value of three times 8*l.* a year, the actual tenant might put down the names of two members of the family, or even two of his servants, with his own, and they would vote if they were rated.

Now, this was a species of fictitious vote which it was very desirable to prevent, and he should propose an Amendment, with the view of restricting the franchise under the clause to *bonâ fide* occupiers.

Amendment agreed to.

Clause to stand part of the Bill.

Clauses 9 to 15 agreed to.

On Clause 16, enacting that clerks of the peace in counties are to prepare lists of persons now registered,

LORD STANLEY said, they had now arrived at that part of the Bill in which he proposed to insert the Amendment of which he had given notice, making it optional on the part of the voter whether he should be placed on the register or not. By the Bill it was proposed that the clerk of the peace in counties should send to the clerk of each union lists of persons now registered, excluding the names of all persons registered in respect of any qualification heretofore requiring them to be, or have been, in the actual occupation of the premises. The clerk of the union was also to send a list of all persons occupiers to the value of 15*l.* to the clerk of the peace; and the transmission of the list was to have the effect of placing those parties so rated, and who had paid their rates, on the list, whether they desired to be so placed or not. In this respect he differed from the proposal of the Government. Instead of excluding those persons whose franchise depended on occupation, he proposed that lists should be sent of those whose franchise did not depend on occupation. The clerk of the union would not then be called upon to introduce any new names, but the parties would be left to make their claim; and as in England, if no objection were made to their qualification, their names would be introduced upon the list. The clerk of the peace, however, would have before him the several ratebooks, with the declaration of the union whether the parties were sufficiently rated. The noble Marquess (the Marquess of Lansdowne) the other night had declared that the raising the franchise to 15*l.*, would cause a flame of indignation in Ireland, which it would be difficult to allay. Now, he (Lord Stanley) to test the value which the people of Ireland put upon the possession of the franchise, required no other or better test than that the person desiring to obtain a vote should be willing to sign a form of claim to be appended to the Act. He did not wish him to attend before any court to prove his case. He left the *onus*

probandi upon the opponent of the vote, as in England, and he was only desirous that previous to being put upon the list he should sign a paper that he was desirous of being placed upon the register. If persons in Ireland were so indifferent to the possession of the franchise that they would refuse to make this claim, he thought it would be not only no injustice to refuse them a place upon the register, but that, in the actual circumstances of Ireland, it would be a positive injustice to force them to be on the register whether they would or not. He believed that nothing would more tend to create peace and harmony in Ireland than to leave it optional with parties whether they would be placed upon the register or not. It was said that the franchise was a trust, and that it was the duty of a voter to exercise it. Now, he wholly dissented from this doctrine. In the exercise of the vote, the voter ought to consider it as a trust; but to say that it was a solemn duty upon any man who could claim the franchise to do so, was just as absurd as to say that it was the duty of every one of their Lordships to sit through every debate throughout the entire Session. It would be most unjust to oblige a tenant of 15*l.* a year to give a vote, whether he would or not, upon matters on which he might feel himself perfectly incompetent to give an opinion. If they did so, they would be sowing the seeds of constant ill-will and strife between the tenant, the landlord, and the priest. The noble Lord concluded by moving an Amendment in conformity with his speech.

The MARQUESS of LANSDOWNE said, that the noble Lord had again opened the general question by his Amendment and speech. For himself, he thought it of the greatest importance that every person entitled to a vote should be placed on the registry without any effort or exertion being necessary on his part. The illustration of Members of that House had no value, because, though a person were placed on the registry, there was no compulsion that he should vote. He (the Marquess of Lansdowne) fully adopted the view of the noble Lord, that the franchise was a trust; and he defied representation to be defended on any other principle. He did not see how the noble Lord could justify the constitution of the country if he did not assume that this privilege was conferred as a trust. There were particular persons whom the Legislature considered fit to exercise a certain trust; and the moment

they recognised that principle they should not subject these persons to the least inconvenience or difficulty in its exercise. The principle contended for by the noble Lord would lead to this result, that the electoral power would be lodged in the hands of persons who would seek it for their own interest; whilst the quiet individuals whom the noble Lord referred to, and who were not so active, would cease to have the power which the Legislature intended that they should possess. The electoral power of the country would fall into the hands of small knots of persons, or it may be of one or two great landholders, and the quiet class of persons, who were not so active, would lose their right. Even in England and Scotland he had known instances, where from the circumstance of the registry not being attended to, the electoral strength fell into the hands of particular parties or managers of parties. By these means the franchise was frequently confined to a very few hands indeed; he knew cases where this had occurred. The noble Lord had alluded to the practice in England; but this practice obtained under the Reform Act, to which the noble Lord had been a party. In England there was a difference between the borough and county voters. In boroughs every one qualified might have a vote without claiming: the wish was that the case should be the same in counties; but owing to the absence of the necessary machinery, it could not be carried out. Far from considering that the perfection of the Reform Act, he thought it a defect; and on that ground should oppose its adoption with reference to Ireland. Regarding the elective franchise as a trust, there was every reason for maintaining the provision of the Bill as it stood.

LORD BROUGHAM: That which applied, simply and clearly, to England, did not, therefore, apply to Ireland, for the state of circumstances in the two countries was essentially different. With respect to the 50*l.* franchise, it appeared that in this country scarcely any one was entitled to vote who did not register, whilst in Ireland the case was quite otherwise. In many districts of Ireland not more than one-tenth of those qualified to register did so, whilst in England there was not one in ten who failed to do so. The next question was, whether there were not reasons which induced those men to abstain from voting in Ireland. Men did not generally act without a motive; and when they had an

opportunity of attaining that which must be deemed an honour and a credit—when they could clothe themselves with the franchise—there must be some very cogent and remarkable reason which impelled them to refrain from doing so. To be entrusted with a voice in declaring who should make the laws—who should be the Member of that Assembly which held the purse-strings of the nation—which was to check the Crown, and balance the House of Lords—was no mean privilege. But their Lordships' House was, strangely enough, called upon to make the attainment of this right not a matter of choice, but compulsory; whilst over the subordinate duty of exercising the privilege and compelling the man entitled to vote, no power was to be enforced. Having compelled the attainment of the privilege, why not enforce its exercise? He saw no reason, if compulsion were to be resorted to in the first case, why it should not be had recourse to in the second.

A NOBLE LORD: It is a duty.

LORD BROUGHAM: Then why should not a man be compelled to do his duty? A Peer might be entitled to a seat in the House, but there was no law compelling him to take his seat; and he had lately presented petitions from two Peers who, from conscientious scruples, refused to take their seats. No man could accuse a Peer of not having taken his seat during the Session. To be consistent, his noble Friends' opposition ought, as they forced the adoption of the franchise, to compel the enfranchised to vote. He believed the terms "jobbers" and "jobbery" were very well understood in Ireland and Scotland; and, indeed, he believed they were not misunderstood in England. Now, the jobbers might be very glad to avail themselves of the franchise, and, perhaps, required but little compulsion; but why should they not allow the men who were not jobbers, who were disposed to live quietly at home, and who had no wish to be politicians, to be quiet and peaceable. But the noble Marquess would make them politicians, whether they would or not. "Oh, but," said his noble Friend, "this is the very class of men who ought to be compelled to vote, because they are the most free from corruption and jobbery." Well, he thought his noble Friend was partly right; he (Lord Brougham) wished that class to be enfranchised, but still he did not think they ought to be compelled to enfranchise themselves. Those men

naturally exclaimed—"If we have votes, we expose ourselves to influences on both sides—to the landlords, whose politics we do not approve of, and to the priest, who is working for his own purposes; and, therefore, we prefer avoiding the solicitations of either, by not registering our votes." But his noble Friend, in effect, said, whether you become the tool of the landlord or the slave of the priest—whether you incur temporal wrath or spiritual indignation, registered you must be. They were now, in point of fact, asked to become ancillary to the designs of the priests and landlords of Ireland. He would support the Amendment.

EARL GREY said, that he had never listened to a speech which went more thoroughly upon a misunderstanding of every point in the case than that of the noble and learned Lord. There was no compulsion about the matter. Let the House recollect how the case stood up to 1832; no personal interference on the part of the individual was necessary to invest him with the character of a voter. Every man possessing certain property was, *ipso facto*, an elector. In 1832 this state of things was altered, and the insertion of the name in a register was made necessary. When the alteration of the law was introduced, there was no original intention of changing the old system, under which, the name being upon the ratebook gave a man, without personal interference, a right to vote. The system was altered solely in compliance with a deputation of overseers from Manchester, who protested against the possibility of doing what they were required to do—making out a list of freeholders. In this manner, the necessity for personal application was introduced. In boroughs, however, the ratebook list was still all that was necessary; and all the names inserted in that book as paying certain sums were, *ipso facto*, those of voters. In introducing into Ireland, then, a similar system of rating, it was proposed to manage the electoral right in the same manner. In other words, if a person derived a right to vote from his rating upon the parish books, it was proposed to dispense with personal application, just as personal application was now, and had always been, dispensed with in similar instances here. But what was, after all, the necessity for requiring an application on the part of the voter? For his own part, he considered the exercise of the franchise a duty from which a man ought not to shrink. The

possession of any political privilege involved the performance of a political duty. Was it, then, requisite that difficulties should be thrown in the way of the performance of that duty? He held, on the contrary, that it was extremely desirable that every facility should be given to the voter to qualify himself and exercise his function. It was said that a Peer could not be compelled to take his seat in that House, or to vote. He would not say that a Peer was obliged to attend and to vote upon all occasions, but he would say that the possession of a political privilege involved with it a duty which ought to be discharged. He would further declare his belief that it was the duty of every noble Lord who possessed the right of voting in that House, to exercise that right in a manner the best calculated to ensure the welfare of the country to which he belonged. It was a solemn duty, and he well knew that it was so considered by their Lordships, many of whom frequently came a long distance to record their votes at great personal inconvenience. He hoped their Lordships would agree with him, that it was desirable to dispense with personal application. The noble and learned Lord spoke of the reluctance to register in Ireland, and the willingness to do so in England. He said that, whilst hardly one in ten of those qualified to register did register in Ireland, in England there was not one in ten who failed to do so. He begged to tell the noble and learned Lord that he was totally and utterly mistaken in matters of fact; and had he stood a contested election under the new system of registration, he would have held very different language. Every man who knew any thing of contested elections in this country was aware that, when there was not a prospect of an immediate election, there was nothing more difficult than to induce people to take the trouble of placing their names upon the register; and probably two-thirds of the claims were lodged by political committees at the expense of future candidates—a system which had the injurious effect of separating the voters into hostile political bands. The effect of requiring the personal application of each voter was, that when a contest was not anticipated, and committees were not formed, a large proportion of the voters would remain disfranchised; but that, on the other hand, when there was the prospect of an election, committees would be appointed on both sides to attend to the business of re-

gistration, and thus the country would be kept, from one year to another, in all the expense, irritability, and excitement of a canvass and a contest. He knew, from sad experience, what the result of such a system was. One word upon another subject. It was said that electors in Ireland would be subject to the undue influence of the landlords on the one hand, and the priests on the other. He was afraid there was too much truth in that statement; but he believed the only remedy to be to enlarge the number of electors; because the larger the number the more difficult it would be to exercise an undue influence over them.

LORD REDESDALE objected to the clause, not because it proposed to register the electors without their application, but because it proposed to register one class, and that the lowest class of Irish voters; while another and a higher class of voters, he meant the freeholders and those who held tenures on lease, were left to the old system, of making personal application to be admitted on the register. He thought the only fair way was, to make the mode of registration, whether voluntary or compulsory, the same to all.

LORD MONTEAGLE reminded the noble Lord who had just sat down, that there were facilities for the higher classes of voters, which did not exist with regard to the lower, for once placed on the register they remained on it for ever. But he would go further, and warn noble Lords on the Opposition benches, that if there was anything that could be devised to injure the agricultural and protection interest in Ireland, it would be the Amendment of the noble Lord to prevent this system of what was called compulsory registration. In the towns, where agitation always existed, where the strength of what was called the liberal interest lay, every man who had a claim to vote would be sure to be registered; but in country districts the claims of the voters would be neglected, so that when an election came, the influence of the towns would be predominant. So well was this understood, that it was no breach of confidence to say, that several persons who were engaged in political agitation for Ireland had admitted to him that a system of self-acting registration, which would embrace the country equally with the towns, would be injurious to their views. He wished not to give an advantage to either town or country. He thought that all voters should be on the register, with-

out the necessity of making personal claim: He would ask their Lordships to give them in Ireland the same system of registration which existed in England previous to the Reform Bill, which would have been established in English counties if the machinery for it existed, and which at present actually existed in English boroughs, without the slightest complaint ever having been made of its working. Ireland had now a constituency reduced to 28,000, and if they wished to give a fair share of political influence to the agriculturists of Ireland, they must not pass this Amendment.

The EARL of GLENGALL said, if once a ratepayer was placed on the register, he would be compelled to vote. What had occurred in the county of Carlow? 120 freeholders were carried off in the night by large bodies of persons—they were placed in carts, and taken into another county, and there left and compelled to vote against the candidate they had intended to vote for. That was the way the elective franchise was exercised in that part of Ireland. In the county of Cork, similar scenes of outrage occurred. No wonder then that the people did not wish to register.

LORD EDDISBURY said, as the last Member of their Lordships' House, and having lately breathed the atmosphere of the other House, he wished to say a few words on this subject. He contended that they had no right to throw any impediment in the way of the franchise, unless they could show some substantial reason for so doing. They knew that in this country, if there was one thing more calculated than another to keep alive political animosity or irritation, it would be the continuance of the system of an annual court for the registration of voters; and he thought this was well deserving the consideration of noble Lords who agreed with him in thinking that political agitation was the bane of Ireland. Besides, he would remind their Lordships, that all the solicitation and annoyance which they now anticipated would happen to the voter if he were on the register, would, under a system of voluntary registration, be used if he applied to be put upon the register. But the fact was, that this Amendment had a professed object and a real object. The professed object was to prevent the voter from being intimidated or solicited; which, if they were sincere in their object, would be attained by the voter not paying his rates till a day or two after

the time fixed in the Bill; but the real object was, that they disliked Irish representation, and that the less extensive it was made, the more would it be to their taste. Now he thought that was not the way to govern a great and generous people like the Irish. They were attempting to rest the pyramid on its pointed end; but he thought that even that which the noble Lord opposite the other night called rubbish, would be a safer basis for the Irish representation, than the narrow and dangerous point on which their Lordships proposed to place it. If they lost the present opportunity of placing the representation of Ireland upon a proper footing, they would excite and rouse again the angry passions of that people. They would not be so easily calmed; and let him tell them, that if they rejected this measure, or, if what he thought was infinitely worse, they so far mutilated it as to make it impossible for the House of Commons to agree to it, they would do more to promote that feeling than by any other mode. He questioned not their Lordships' right to alter the Bill; but he must say that if there was any one thing which peculiarly belonged to the House of Commons, it was the machinery by which the elections of the Members of the House of Commons were regulated. If they rejected it, the day was not far distant when they might be called upon to give their assent to a far more extensive reform. He entreated their Lordships, therefore, to be warned by what had followed the vote on the East Retford franchise, and the rejection of the 8s. fixed duty on corn, and to agree now to a settlement of the Irish franchise on a satisfactory basis, or they might seek it in vain when it was too late.

The EARL of ST. GERMANs said, if the argument of the noble Earl (the Earl of Glengall) was good for anything, it would show that Ireland was not fit for a representation at all. The only remedy that could be devised for the evils the noble Lord had described, was to widen the franchise, as it would be more difficult to practise upon 1,000 voters than upon 100; and the object of the Bill was to secure an adequate number of electors. As to the proposed self-acting register, the purpose of the Bill in that respect would be frustrated if a landlord had power to induce persons not to register.

On Question, their Lordships then divided:—Content 53; Not Content 39: Majority 14.

List of the CONTENTS.

DUKES.	Beauchamp
Richmond	Harewood
Cleveland	Lonsdale
MARQUESSES.	Cadogan
Winchester	Verulam
Abercorn	Kinnoull
Huntley	VISCOUNT.
Ely	Strangford
Exeter	LORDS.
EARLS.	De Ros
Morton	De Freyne
Galloway	Sandys
Warwick	Alvanley
Abergavenny	Southampton
Bathurst	Farnham
Roden	Clarina
Malmesbury	Wynford
Nelson	Templemore
Bandon	Crofton
Rosse	Colchester
Wilton	Blaney
Powis	Abinger
Desart	Stanley
Enniskillen	Rayleigh
Ellenborough	Walsingham
Hardwicke	Tenterden
Mountcashell	Grantley
Stradbroke	Redesdale
Glengall	Kenyon

List of the NOT-CONTENTS.

DUKES.	Zetland
Leinster	VISCOUNT.
Norfolk	Canning
MARQUESSES.	BISHOP.
Clanricarde	Limerick
Donegall	* BARONS.
Lansdowne	Beaumont
Normanby	Byron
Westminster	Camoy's
EARLS.	Dunally
Bessborough	Eddisbury
Bruce	Erskine
Carlisle	Foley
Fitzwilliam	Hatherton
Fingall	Howden
Granville	Kinnaird
Grey	Lyttelton
Gosford	Langdale
Minto	Monteagle
Morley	Overstone
St. Germans	Portman
Strafford	Wharnccliffe.
Waldegrave	

Amendment agreed to.

Clause, as amended, to stand part of the Bill.

Report to be received on Tuesday.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Order of the Day for the Third Reading read.

EARL GREY moved the Third Reading of this Bill.

LORD LYTTTELTON: * My Lords, this Bill has been to some extent altered, and

I suppose improved, in the Committee. But it is still so far short of what, as it seems to me, a Bill should be for the government of the Australian Colonies, that I am anxious to take this, the last opportunity that will occur, of making some remarks on the general question involved in it.

My Lords, I have certainly seen the progress of this Bill with much disappointment and regret, because I believe that in passing it we are losing the best opportunity that has ever occurred—an opportunity that we may never have again—of introducing a real reform in our colonial system. I am adverting, and shall advert, mainly to one point in such a reform, because, by universal admission, and particularly by the repeated declarations of the noble Earl (Lord Grey) opposite, it is *instar omnium*—and this Bill, as I will attempt to show, makes no approach to it—the concession to the colonies of real self-government in their own local affairs.

My Lords, this principle is not only important in what evidently and directly belongs to it, but because almost all the rest of the question depends upon it. The best illustration of this is to be found in that important point of detail which has already been matter of discussion in this House—the question of a second Legislative Chamber in the constitution of a colony. One objection to the establishment of such a chamber in the Australian colonies has been, that there are no adequate materials in their societies for its composition. But it is precisely because we have not given them self-government—because our colonists have not felt, in going out to and settling in the colonies, that they have taken with them that which is the pride and birthright of Englishmen at home, and admitted to be a main source of the excellence of our institutions—control over their own affairs—that the composition of their society has fallen short of what we should wish to see it, and therefore affords (if it be so) no sufficient materials for a second or upper chamber. Whereas, if we really gave them self-government, we might hope that all the rest would follow, both as to this particular point, and as to fitness for all other political privileges.

My Lords, that the colonies have not this power of self-government, as long as an official department at home has an universal power of disallowance over all their local enactments on all subjects, great and small, is to me so self-evident, that I do

not know how any argument could make it clearer than it is. It is unaccountable how any one can suppose that it is any answer to this statement to allege, as the noble Earl did the other night, that, in point of fact, of a given number—100 or 120—of bills passed by the local legislatures, only a small proportion, five or six, were actually disallowed by the Colonial Office. The point is not that a certain number, more or less, of such bills is or is not disallowed, but that the whole number might be disallowed, and the colonists cannot possibly tell which of them will be so or not. We should endeavour to look at this question in a more comprehensive manner. The question is not whether the colonists may or may not be living under laws which were mostly made by themselves, but what the effect of our political system, as regards the colonies, is upon the colonial mind—upon the minds of those at home, who may be thinking of becoming colonists—and what is the general impression of that system upon the world.

The colonists cannot possibly feel that they have any real self-government, as long as the ultimate control over all their affairs resides in a power at the Antipodes: and, therefore, none of the beneficial effects can be had which would follow from such a feeling.

We say, then, that the first and only effectual step towards a real reform is the abolition and destruction, as to the local affairs of the colonies, of this disallowing power of the Colonial Office. My Lords, this general disallowing power, vested in a department at home, is a new power. It was provided by a special clause in the New South Wales Constitutional Act a few years ago. How long before that time it was practically in force I shall not inquire: but I say it is not a part of the old and famous constitution of our first American colonies. I am not speaking of that ancient provision, repeated in this Bill, that no local legislation shall be contrary to the laws of England. I have no great objection to that, which is an ancient and respectable provision, supposing it to be executed in the way in which it was originally intended. Her Majesty's Ministers are probably acquainted with an able work by one of their colleagues, Mr. George Lewis, on the *Government of Dependencies*. In that work will be found a careful examination of the manner in which that provision has operated; and it will be seen how indefinite and indeterminate it

was. But at all events it depended—not, as I apprehend it does now, on the *dixit* of the Colonial Office, or the mere opinion of the law officers of the Crown, but, as being a question of the construction of a statute, on the ordinary course of law; and this makes the whole difference as to the confidence of the colonists in the system, which is the main point, and to which I shall further advert presently.

But the disallowing power exercised by the authority of the Crown at home is not to be found in the chartered constitution I refer to. I shall not attempt to prove this in detail. It is admitted not to have existed in one of them, and that the best of all—Lord Baltimore's Charter for the government of Maryland. But I will take the charter the most different from that of Maryland, and the case being proved with respect to that, I should submit that, *a fortiori*, it is proved with regard to the earlier ones. I take the Charter of Pennsylvania. That charter was passed in 1681—a period of arbitrary power—a comparatively late period; and it is a charter which undoubtedly is a very restrictive charter, compared with the former ones, and which is said by Grahame, and other writers of authority, to differ from them in this very respect, that it contains this general disallowing power of the Crown. My Lords, this is an inaccurate statement. The charter undoubtedly contains a provision, that all bills passed by the colonial legislature should be sent home to England for consideration. But for what purpose, and with what limitations? The following is the substance of the words:—“To the end the said William Penn, &c., may not hereafter by misconstruction of the powers aforesaid depart from that faith and allegiance, &c., which they owe unto us, &c., by colour of any extent or largeness of powers hereby given, or of any laws to be made in such province by virtue of such powers: our will is that a transcript of such laws shall, within five years after the making thereof, be transmitted to the Privy Council, &c. And if any of the said laws be declared by us inconsistent with the sovereignty or lawful prerogative of us, &c., or contrary to the faith and allegiance due to the legal government of this realm from the said William Penn, &c. then such laws shall become void: otherwise the said laws shall remain and stand in full force,” &c.

Now, this is distinctly not a general disallowing power. It is a provision for doing

that which we also propose to do in another way—namely, to distinguish between subjects of imperial and those of merely colonial concern; and to reserve to the Crown, as there ought to be reserved, control over the former, while it is relinquished over the latter class of subjects. I say, then, that this very charter is the best proof of the position I advance.

Now, the first objection made to the removal of this disallowing power is founded upon the alleged prerogative of the Crown: that favourite bugbear which Her Majesty's Government, being such a very Whig Government, are perpetually thrusting in our faces. My Lords, we do not touch the prerogative of the Crown. That prerogative, as has so often been said, is not exercised by the Crown directly, but through its Ministers and delegates; and we say, in this case, it should be exercised as fully as now, but not through the Minister at home, but through the Minister of the Crown on the spot, the governor of the colony. The power of the Crown over the governor is absolute, both of appointment and dismissal; and I should propose that the connexion should be even more close than it now is, for that he should be paid, not as now, from the colonial funds, but by the mother country; and he should have the full powers of suspension and veto over all the local legislation.

Then, it is said, that by this you would give nothing to the colonies; for, if their legislation is to be absolutely controlled, it may as well be by the Colonial Office as by the colonial governor. And another form of this objection, which has been also applied by the noble Earl to the proposition of a second chamber, is, that no provision is made against the obstruction of the machine of government, which by this system would be in the power of one branch of the Legislature. Now, in the first place, there is a vast difference between an absolute power on the spot, and one 15,000 miles off. But, in the next place, of course, here is a theoretical difficulty, but it is no more than a theoretical difficulty; for if it is, why does it not apply further? Why does it not apply to this country? In this country, it is in the power of any of the branches of the Legislature to stop the progress of the Government. Why is it not done? Of course, we know the reply. It is because of the public opinion and feeling of the country generally, which acts upon the Legislature; so that, in the long run, the

people of this country are really self-governed. So it would be in the colonies, if we would trust them. The objection is a part of that general notion by which we look upon the colonists as children, as something inferior to ourselves, and therefore not fit to be trusted with political privileges; and this idea verifies itself, and they become not fit to be so trusted, because we will not deal with them as if they were.

How is it, then, under the actual system? No doubt there is a public opinion in the colonies on these matters, but it cannot act. It can act, more or less, upon the colonial governor; but he gets out of the way of it; he declines from it, because he is not the real depository of power. He shelters himself, whenever he pleases, under the shadow of the Colonial Office, so that the public opinion of the colony passes by him, and cannot reach him. Nor can it act—I do not say in a few very great matters, but in the ninety-nine out of a hundred cases which are comparatively small, but which go to make up the ordinary political life of the colony—upon the Colonial Office, which is the real depository of power: because it is too weak to act with any effect. Thus, where it could act, it has nothing to act upon; and when it has something to act upon, it is too weak to do so.

Again, as to public feeling in this country, which might act upon the Colonial Office, it is simply non-existent. On some few occasions of unusual importance about colonial matters, a ferment and agitation is created here, proportioned to the magnitude of the subject, and the ignorance of those who feel it; but, as before, I am speaking of the great mass of subjects, and concerning those, there is and can be no feeling in this country to interfere with the Colonial Office. That Office, therefore—and I am speaking of things *quæ ipse vidi, et quorum pars parva fui*—is not only to the colonies a distant power, with all the inconvenience of that distance, but practically an irresponsible power.

In order to assign to the colonies themselves the control over matters of merely local concern, a distinction must be made between such matters and those of imperial interest, which should be reserved for the home authority. Now, it seems sufficient to those who oppose this proposition to say, "Oh, it is quite impossible: you cannot make such a distinction; and when you had attempted it, you would only give occasion for endless litigation."

On both points the objection seems to me insufficient. Why cannot you try? The noble Earl said lately of those to whom I belong, the colonial reformers, the members of the Colonial Reform Society, that on this question of the separation between imperial and local matters, we are all split into sections, and that each has his crotchet as to how that separation should be made. But what we say is, that, take any of the systems so proposed, any of the crotchets that proceed on such a separation, and you would get a far better system than that which now prevails, and one open to further improvement. Because, after all, as regards the vast majority of cases, no doubt could possibly exist whether or not they are of only local interest. So far the classification could be made without difficulty or dispute; and the mere attempt to do so, and the knowledge that, at least with respect to the mass of their local subjects, they would be self-governed, would be a greater boon to our colonies than anything that has lately been done.

Again I say, why do you not try? You have an excellent example by analogy—the relation between the Union and the several States of America. A scheme proceeding upon this separation has been proposed by various persons, chiefly in what I will venture to say is the most able and comprehensive plan that has yet been propounded on this subject, the frame of a Bill laid before the House of Commons by Sir William Molesworth.

The objection as to litigation, in fact, points to one of the advantages of the scheme. No doubt there would be disputes as to whether a given subject belongs to one class or to the other; but whereas all disputes now are settled in the dark by the Colonial Office, by what we propose all such questions would be settled in due and open course of law, in the face of day, by a judicial tribunal, such as the Committee of Privy Council, after the analogy of the Supreme Court of the United States. Here, again, it is said, with a singular inadvertence, that the colonies would gain nothing; that the Crown would be only acting through its Privy Council, whereas before it acted through its Colonial Office. But, of course, as before, with reference to the all-important point, the confidence which the colonists would feel in the administration of the system, there is all the difference in the world in the manner in which the thing is done—between a secret

and irresponsible authority, and a public tribunal acting with the solemnity of judicial procedure.

Moreover, such a system would evidently tend more and more to work itself clear, and to become more definite and satisfactory as it proceeds. Because such a tribunal would be guided by its own precedents, so that questions, such as are supposed, when once debated and adjudged, would be settled for ever, and no further litigation need arise upon them.

We may judge of the trivial nature of the objections made to this proposal, by that which was offered in the very slight and perfunctory reply that was vouchsafed by the Government in the other House to Sir W. Molesworth's speech. It was said, what do you do about escheats in the colonies? Is that an imperial or a colonial matter? Why, what does it matter which it is? Put it in, into either of the classes, whichever you please; or let it alone, and let it be decided whenever the question shall arise. No one supposes that it is necessary that the classification should be from the first made completely and without fault.

My Lords, such is the outline of the scheme which we recommend, and which would give to the colonies the best security which the nature of things permits, that they shall enjoy self-government. Of course it would, in theory, be open to Parliament to reverse its own course; but a Parliamentary security would be the best that it is practicable to give.

My Lords, I know very well that these colonies will eventually obtain self-government. I did not say that such a scheme as I propose is the only way in which they can obtain it; but that it is the only way in which we can give it them. I know that they will obtain it, because I see it has been obtained, without any such concession on our part, by the great colony of Canada; and Australia will do the same. Canada has obtained it by its own growth, and by the force of events, so that it practically knows and feels that it has self-government, which is as good a security as any colony can desire. But here, again, the whole difference lies in the manner in which the end has been reached. Canada has reached it by a process which has brought with it no gratitude, no attachment to this country, and, above all, which brought with it no adequate assimilation of the character of the colonial mind to the best elements of

our society at home, which, as I have said, is what ought to be the main object in our view. We ought to look on our colonial empire not as a great machinery of export and import trade, and of material benefit to ourselves, but as imposing on us the responsibility of worthily founding great nations, which they will be, throughout the world; and, therefore, the character of the communities we are so founding is the one great point for our consideration.

My Lords, I further regret this Bill when I consider the particular character and condition of the Australian colonies. Whatever the North American Colonies may be, they are pretty nearly beyond our reach now, to mould or to influence them. The Australian colonies are still in their youth: it is still in our power, as I believe, to train them towards what we would wish them to be, by communicating to them good political institutions. The present Bill, while it gives them too little power of self-regulation in some respects, gives them too much in others. We ought to give them the outline of their system ourselves, leaving it to them to fill it up: whereas here we give them an outline which is confessedly not the best, and we leave it to them, if they please, to alter that outline; while at the same time we keep to ourselves an universal power over all the smallest details of their local administration.

My Lords, it is true that a sort of satisfaction is felt in these colonies at this measure, compared with the still worse system which they had before; but this very circumstance makes it the less likely that a really good system will ever be introduced, when we have induced them to acquiesce in the inferior one: and therefore causes me to lament still more the passing of this Bill. My Lords, for these reasons, though I cannot think of dividing the House, I shall say "Not Content" to the third reading of the Bill.

EARL GREY, in answer to the observations of his noble Friend, could only say that in former stages of this measure he had addressed the House at great length, and now he could only repeat the arguments he had used before. He did not find anything in what his noble Friend had stated to alter his opinion of this measure, which he hoped their Lordships would now agree to read a third time.

On Question, agreed to.

Bill read 3^a and passed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 5, 1850.

MINUTES.] PUBLIC BILLS.—1st Marriages Act Amendment; Loan Societies; Ecclesiastical Jurisdiction; Stock in Trade; Turnpike Acts Continuance, &c.; Militia Ballots Suspension. 3rd Railways Abandonment; Linen, &c., Manufactures (Ireland); Borough Bridges.

NATIONAL EDUCATION—EXPLANATION.

SIR G. GREY stated, that he was anxious to correct a mistake into which he had inadvertently fallen in the debate of last night upon the education question as to a matter of fact. In answer to some observations which had fallen from the hon. and learned Member for Oxford, as to an address which had been presented by the clergy of the diocese of Bath and Wells, he (Sir G. Grey) had stated that that address had been signed by Mr. Denison. He believed at the time—speaking from memory—that that statement was strictly true; but upon looking over the original address this morning, he had found that the name of Mr. Denison was not among the names of those who had signed the address. He felt it due to that rev. gentleman that he should take the earliest opportunity of stating that his name was not appended to the address, and to express his regret that he should have made that mis-statement.

ASSISTANT SURGEONS IN THE NAVY.

CAPTAIN BOLDERO wished to ask the right hon. Gentleman the First Lord of the Admiralty, what steps had been taken in consequence of the vote of the House on the 8th of April last as to the accommodation of assistant surgeons on board ships of war?

SIR F. BARING said, that in the course of the debate he stated that there was a cabin dedicated to the purposes of study on the part of assistant surgeons. On inquiry it appeared that though the order had been issued by the Admiralty, it had not been carried out to the full extent. It was the intention of the Admiralty to take care that it should be fully carried out. With regard to the cabins for the assistant surgeons, the vote of the House had been attended to, and he had most anxiously looked to see how far it was possible to carry it entirely into effect; but, unfortunately, it happened that they could not by a vote of that House add to the accommodation of a ship, and while it was their anxious wish to give accommodation to all the officers of the service, yet they had two

points to be taken into consideration: one was the efficiency of the ship of war, and the other was the interference with the accommodation of the crew. In some ships it would be impossible to give that additional accommodation to the assistant surgeons without interfering with that of the crew: in such cases the Admiralty had directed that accommodation to be given, but in some of the smaller vessels of war it would not be convenient to do so without infringing the two points to which he had just alluded. With regard to the messing in the ward room, it was thought requisite that the assistant surgeons should serve some apprenticeship before they should be admitted to mess in the ward room. Amongst those who were most anxious for the accommodation of the surgeons, such a course was considered extremely important. It was then proposed that they should serve three years before being allowed the advantages of the ward room.

MALT TAX.

MR. CAYLEY said, in soliciting their attention to the subject of the malt tax, he begged to assure them that he brought it forward entirely on his own responsibility, without any promise of support from any quarter of the House. In no way whatever could it be considered a party question; for his noble Friend at the head of the Government had intimated that he did not consider himself able to dispense with the malt tax; while, on the other hand, a noble Lord occupying a distinguished position in the other House, as head of the Protectionist party, had publicly declared that he could not give his support to a Motion of this kind, which would rob the revenue of so large a sum. He (Mr. Cayley) could, therefore, be influenced by no other motive than a conscientious conviction that, under the depressed state of agriculture, and under the novel circumstances in which it was placed by the late commercial changes, nothing (short of the re-imposition of the old, or a modified system of Protection) could so conduce to the well-being of agriculture, as the repeal of this most oppressive tax. Taxation was never very popular, and still less was it likely to be so when it was oppressive and unequal. Taxation! what was it, after all, but this: that the nation had run up a large score, and the Chancellor of the Exchequer, who was in the position of paymaster, called upon all parties to pay their "shot," as it was commonly called? Now

if half a dozen gentlemen chose to indulge themselves in any entertainment, and, on the bill being called for, only five of them were ready to contribute to its payment, the one who "shirked" would surely not be very graciously looked upon, nor could his companions be expected with a very good grace to start a whip to pay his share. It would be the same in a commercial partnership, or any other joint-stock concern—of which society at large was one. Burdens imposed for the use or protection of all, to be cheerfully borne, must be equally borne. But the complaint against the malt tax was not only that it was so heavy and oppressive, but that it was partial, and imposed on agricultural produce a greater burden than was thrown on any other branch of British industry. By the repeal of the corn laws, British agriculture, after a long period of protection, had been deprived of it. It had been often stated that the corn laws were of late enactment, and dated no farther back than 1815. It was, however, notorious that these laws giving protection up to 48s. a quarter for wheat, had existed not less than 170 years, and that in 1670 that system began which had expired in last year. It was true that in 1815 a higher protection had been established than theretofore had existed; and that whereas, in 1790, the pivot was a price of 54s., in 1804 it was 64s., and in 1815, 80s. But surely these circumstances showed that British agriculture was entitled, after such a long period of protection, not merely to justice, but (if it were required, which it was not) to something more than justice, and even to a tender consideration at the hands of the Legislature. During the long period of protection, the landed interests were in power, and were not unwilling to extend to other classes the same protection which they required for themselves. Their principle was, "Live and let live." Indeed, the system of protection did not begin with corn, but with the woollen manufacture. Until the seventeenth century it had been the habit of the population of this country to purchase their woollen clothing principally of the Flemings; but, in order to favour our woollen manufacture, prohibitory duties were established against the importation of Flemish woollens, and a prohibition also was established against the export of British wool, which had been previously exported to Flanders. Mr. Porter stated—

"From a very early period our woollen manufacture has been the object of the especial protec-

tion of the English Government. Originally, indeed, the export of British wool was allowed. But in 1660, it was strictly prohibited. And this law remained in force until 1825."

He stated these facts to show that protection was no selfish policy on the part of the landed interest, but that, on the contrary, it was commenced for the benefit of our manufacturers. And, to show how our English woollen manufactures were fostered, he would state, that being alarmed at the progress of the manufacture in Ireland, they presented petitions to both Houses, who presented addresses to the Crown in the reign of King William III., and that monarch answered the addresses thus—"I shall do all that in me lies to discourage the woollen manufacture of Ireland, and encourage the linen manufacture." It was under such circumstances that the woollen manufacture had risen up by the aid of protection. And the cotton trade had grown up under the same system, for the cotton manufacture of India had actually been destroyed by the encouragement afforded to the cotton manufacturer in England. From the year 1770 to 1825 there were discriminating duties on English and Indian cotton manufactures, the former being admitted into India at a duty of 5 per cent, the latter into England at a duty on the average of 75 per cent. This system ruined the cotton manufacturer in India, and resulted in the destruction of some five hundred thousand weavers and others in Dacca and elsewhere, through the distress thus caused. These facts showed that the agriculturists demanded nothing through protection which had not been enjoyed by the manufacturing interest. In asking, however, the repeal of the malt tax, he asked, on the part of the agriculturists, only strict justice, for it was oppressive, partial, and unjust. The objections to it had been already recognised by the House, which had on several occasions voted its repeal, although afterwards the Chancellor of the Exchequer for the time being had induced the House to rescind their vote. In asking its repeal on this occasion, he could appeal to various authorities, differing in opinion on other points from himself—to the authority of the right hon. Baronet the Member for Ripon, who, in 1839, in a debate on the corn laws, said that if they were repealed, he was convinced that the malt tax could not survive a single year, and that the agriculturists ought not to be precluded from growing their own beet-

root sugar and tobacco. Then the hon. Member for Wolverhampton, who had always introduced the question for the repeal of the corn laws until the hon. Member for the West Riding took it out of his hands, and asked the agriculturists if they would consent to the repeal of the corn laws if they had the repeal of the malt tax, which, he said, the country would be anxious to get rid of on those terms. And the hon. Member for the West Riding had intimated a similar opinion in his celebrated budget; and he (Mr. Cayley) hoped, therefore, for these hon. Members' support. There was (said the hon. Member) another name, which, at the present moment, he scarcely knew whether it was not almost indecorous to refer to—he meant the name of that eminent man who had so lately and so inscrutably been withdrawn from their councils. But as he could cite no higher authority than that distinguished name, perhaps the House would permit him to appeal to it. On the same occasion, in 1839, in reply to arguments in favour of a repeal of the corn laws, Sir Robert Peel stated, if they were repealed, he would say, "Let the farmer grow his own tobacco, and manufacture and consume his own malt." And there were other occasions on which that eminent man expressed a similar opinion. Thus, Sir Robert Peel, in 1834, in a discussion on a petition, said—

"Before you determine to take off the restriction on the import of foreign corn, you ought first to look at the burdens to which the landlord is subject, and at the difference in degree in which those burdens, whether they be local or public burdens, press upon the landed proprietor and the manufacturer respectively. Consider the land tax, the malt tax, and the payment of tithes—for tithes are admitted, by all political economists who have written on the subject of free trade in corn, to be a tax peculiarly burdensome to the land, and for which the land is intitled to equivalent protection. * * * If there be free trade in corn, is it not evident that the landholder will be no longer able to bear those burdens that press peculiarly on the land? Let not the manufacturer suppose that, if the interest of the landholder is sacrificed, he can bear his present burdens; there must be a different appropriation of those burdens, a transfer of them from the landed to more prosperous interests."

And Sir R. Peel, in the discussion of a petition in 1834, said—

"Destroy the whole system of protection and prohibition, and even then you will have to consider whether the burdens upon land are not unfairly laid—whether malt, for instance, is not taxed in a degree which, although the tax may be paid by the consumer, unduly encourages the con-

sumption of other articles to which, but for the tax, malt would be preferred."

And now with regard to the tax itself. He (Mr. Cayley) believed that the House were hardly aware of the extreme oppressiveness of the tax, and of the mode in which it was carried out. Till lately there were 100 penalties liable to be incurred in the manufacture of malt, so that the maltster could scarcely stir in all the process between the cistern and the kiln without running a risk; and though at present there were only thirty-two, yet scarce any were less than 100*l.* in amount, and it was virtually impossible to escape the infliction of them if the excisemen were extreme in a rigorous enforcement of the law. The following were some of the hardships and vexations. The object of the exciseman was to get the largest possible amount of duty. This was obtained in the couch. To obtain this the exciseman obliged the maltster to throw his barley as highly as possible, in three conical heaps into the couch from the cistern, so that as much space should exist as possible between each grain. The gauge was then taken of the cubical contents—building space and air as well as barley. Much was sometimes said as to the objections against taxes on light, like the window duties. But the malt tax was a tax on air and space. The success of malting often depended in a great degree on the constant changing of the water; but this the excise would not permit more than once. Then, again, malt mixed with unmalted barley would make good beer, but was not allowed, for fear of injuring the revenue. In short, such were the excise regulations, that it was impossible to carry on the manufacture in a sure, scientific, or successful manner. Then, again, such was the insecurity of the trade and the risk of incurring penalties, that no small capitalists could procure the "bondsmen" required by the excise laws as security for the revenue; and the consequence had been that the malt trade had become a great monopoly, as also had the brewing trade—so much so, that there were fewer maltsters now in the country than there were five years ago, and eight out of ten public-houses belonged to brewers. In fact, a brewer could afford to give 100*l.* for a house only worth 50*l.* on account of the sale of his beer, and enormous were the profits thus made upon the malt. A word or two as to the process. The manufacture of malt was one in which the process of nature was artificially imitated, and

therefore was one of great delicacy, in which it was, for instance, of the utmost importance whether the malt were long enough in the "cistern," which it scarcely ever was, for fear of increasing the swell so much as to occasion too high a gauge in the couch, and consequently too heavy a rate of duty. To escape duty, the maltsters steeped the barley too short a time in the cistern, and made up for it by sprinkling on the floor; and the regulations of the excise most materially interfered with and obstructed the process—the delicacy and difficulty of which, indeed, were such that it was obvious no interference should take place—the farmer should be his own maltster. But he could not be so, on account of the heaviness of the tax. Why, however, should the maltster be dealt with differently from any other manufacturer? The farmer should be enabled to use his own malt. In the inspired writings it was said that the labourer should be the first partaker of the fruits of his toil; but in this country the labourer was in a great degree deprived of his national beverage, the fruit of his toil, through the tax on malt. Again, the farmer, but for the duty, would use malt extensively, instead of oil cake. It had been disputed how far this was so, as to dry malt; but he had consulted Dr. Ure on the subject, who had said that the experiments of the excise on the subject proved nothing. However, it was certain that the "wash" from distilleries, or "sweet wort," was far more nutritious than dry barley or dry malt; so much so that, in competitions for cattle prizes, it was usual to forbid the use of it, on account of the expense; and it was most unfair that farmers should be debarred from the use of so valuable an article of food for their cattle, on account of oppressive and partial taxation. In reference to the question as to the amount of saccharine in malt, it was probable that the saccharine in malt was not two-thirds, probably not one-half, developed until it was in the mash tun. In former times, when the duty was not so high, there used to be a malt house attached to every farm house—and so there would again, if this tax were repealed. It was said that the tax was paid by the consumer, as the phrase was. But, if so, how happened it that the cotton manufacturers were so anxious to get rid of the duty on cotton yarn and printed calicoes, which were as much paid by the consumer as that on malt? Such an argument was obviously fallacious, for it was

plain that a duty limited the consumption by raising the price. His object in asking for the repeal of this tax was to lower the price of malt and beer, and to increase the consumption of barley, and so raise its price; and this could not be done without displacing wheat and oats, and so raising their price also. The malt tax amounted to cent per cent on the article manufactured. How would the hon. Member for Manchester like an exciseman to walk into his mill any hour of the day, interfere with every process of his manufacture, and tax him besides 100 per cent on the article he made? He (Mr. Cayley) should be sorry to be the exciseman. Many Members said, "Taxes must be paid." Yes, but they should be fairly distributed. And the objection to the malt tax was, that it was so partial and unequal. The House, perhaps, was not aware of the extent of the exemptions enjoyed by manufacturers from duties on articles used in their manufactures. Thus, for example, in the article of soap, they had enjoyed a total, and now enjoyed a partial, exemption. The hon. Member here referred to a statement as to the use of soap for manufactures of woollen, flax, cotton, silk, and linen goods. The amount of allowances in 1849 was on 20,000,000lbs. Why was this exemption made? According to the opposite argument the duty was paid by the consumer. Aye, but the manufacturers were aware that the full duty would increase the price of their goods, and thereby diminish the consumption of them. Why not apply the same principle, then, to the malt manufacturer? Then, again, as to the duty on paper, as to which there had been great complaints. There had been a good deal said in a leading journal which greatly influenced the councils of the country—the *Times*—in reference to this Motion, as to the extent to which this duty on paper affected it; although, according to the argument of that journal on the malt tax, the duty should be immaterial to it, being "paid by the consumers," that is, the purchasers of the paper. However, a copy of the *Times*, with the supplement, weighed four ounces, and the paper tax upon it was one farthing and a quarter. The stamp was only one penny, and thus the total duty on such paper was not three half-pence, that is, less than 25 per cent; whereas the malt tax was 100 per cent. It should be recollected, too, that for the penny so paid on the stamp, the paper was carried free; whereas the farmer had to pay the car-

riage of his malt. The tax on the *Times* was not equal to this privilege, for if it had to go by post according to its weight, it would cost double the tax, and its price would increase, and its consumption lessen in proportion. As regarded the tax on advertisements, it was plain, by the instance of the *North British Advertiser*, which circulated gratis, that advertisements in spite of taxes paid pretty well. Now, with reference to what the farmers thought of this tax, he held in his hand a letter of Mr. Ellman, of Sussex, who, after referring to the opinions of his father, who lived to a great age, and whose memory went back to the time when cottagers brewed their own beer, stated, as some proof of the very injurious effects of this tax, that the barley grown on his farm, near Lewes, was now nearly unsaleable, and that, in his opinion, nothing could benefit the farmer more than the repeal of this odious impost. [The hon. Member also quoted from a pamphlet written by a captain in the Navy, who was also an excellent practical farmer, to the effect that whereas he could grow seven quarters of barley per acre on his land, for which he got 9*l.* 16*s.*, the Government took 7*l.* 4*s.* 8*d.*] Yet it was said that this tax was paid by the consumer. But even if it was, were not the agricultural labourers the chief consumers of beer? And yet these were some of the parties whom they boasted of having exempted from the payment of the income tax, though they threw upon them the payment of a ten times heavier burden in this tax upon malt. But there were other ways in which this tax operated injuriously, and among them might be named the fact that farmers had now their labourers much less in their houses than used formerly to be the habit—a circumstance that was very much to be attributed to the excessive duties levied on malt, and the consequent dearness of the beer they would have to give them. In a district where beer was still given to agricultural labourers, it cost the farmer from 1*s.* to 1*s.* 6*d.* an acre merely as a consumer of beer. Before the repeal of the corn laws, a farmer had to send the value of 9 qrs. of barley to make 5 qrs. of malt—although 1 qr. of barley made 1 qr. of malt. Now, it took 11½ qrs. of barley to get 5 qrs. malted. This was monstrous enough. Malt liquor was, and always had been, from the earliest period of the history of

this country, the class of drink peculiar to the nation; and such, indeed, was the national taste for that beverage, that it had required all the oppression of Chancellors of the Exchequer and excise officers to limit its consumption. But this tax, which was as much as 100 per. cent on production was, as the subjoined statement would show, a tax of some 500 per cent on the poor consumer:—

PRICE OF BEER TO THE POOR, WITH NO TAX ON MALT, AND WITH TAX.

A bushel of good malt will produce 12 lbs. of saccharine matter, and will make 36 gallons of good wholesome beer for the cottager's table.

With the tax off, suppose the price of

malt..... 4*s.* a bushel.

Brewed at home..... 1*s.* for 1 lb of hops.

5*s.* for 36 gallons.

or a fraction over 1½*d.* per gallon.

This beer at any public brewery would be 8*d.* per gallon, or 24*s.* for a 36 gallon barrel—saving 500 per cent. The yeast and grains would pay for the brewing. The cottager could also malt for himself.

PRICE OF ALE, WITHOUT AND WITH MALT TAX.

In most public breweries, 32 lbs. of saccharine are allowed to one barrel of ale of 36 gallons, and retailed of this quality by publicans at 6*d.* per quart.

If no tax.

Three bushels of malt at 4*s.*..... 12*s.*

Three pounds of hops at 1*s.*..... 3*s.*

Total 15*s.*

or 1½*d.* per quart of ale, instead of 6*d.* or nearly (that is, within a farthing of 500 per cent. The first tax laid upon malt was in 1697, and the following are the various alterations it has undergone, namely:—

In 1697 the duty per qr. was	£	s.	d.
1760	0	6	0
1780	0	10	10
1791	0	12	10
1793	0	10	10
1802	0	19	4
1803	1	15	10
1816	0	19	4
1819	1	8	10
1822	1	0	8
1840	1	1	8

The following table would also show the operation of the tax on consumption at two distant periods, for England and Wales:—

Population.	Bushels of malt made.	Duty per bushel.	Consumption per head.
1730...5,687,993	28,410,421	0 <i>s.</i> 6 <i>d.</i>	5 0
1845.16,711,725	30,508,840	2 7	1 6 2 3

Which made a difference in the consumption of 300 per cent. In 1849, the population in the united kingdom was 30,000,000; malt made in united king-

dom, 38,000,000 bushels; duty per bushel, 2s. 7d., with 5 per cent added; consumption per head greater in 1730 than in 1849 by 400 per cent. A tax on this simple luxury of the poor was a great disgrace to the Legislature. The two most popular luxuries of the poor, beer and tobacco, were either directly or indirectly taxed from 500 to 700 or 800 per cent. These affected the poor man's comfort more than what was (viz., the corn law) called the tax on the poor man's bread. For call gold the standard of value as much as they pleased, it was not the standard. Wheat, the staff of life, or more correctly, labour, was the standard; gold might be the measure, or silver, as paper was the representative; but the ultimate standard was labour, or the bread corn that sustained the life of that labour which was the creator of all value; and to this standard in the long run wages would always conform. It was not thus with the simple luxuries of the poor. These might be taxed beyond the means of the poor. It was to a great extent so with malt. And this tax had always led the labourers, after their ability, in consequence of the rise in the malt duty, to brew their own beer was put an end to, to resort to the alehouse, and there to spend that money which was required for other things. In proof of this, and as evidence that the cottager used to brew his own beer, he would quote two authorities: one Mr. Ellman, so well known for his spirit as a farmer, and as the son of a father equally distinguished in agricultural pursuits, whose recollections went back to the middle of the last century; the other was the late Duchess of Grafton, from whose manuscripts the extract he would adduce, was given him by his noble Friend, the present Duke. He was quite free to admit, notwithstanding the number of petitions that had been presented on this subject, that the farming public generally was not sufficiently alive to the importance of this question. There was, however, a large class of the most intelligent farmers, especially in the south of England, fully sensible of the serious evils which pressed upon their industry and comforts from this tax. Mr. Ellman writes as follows:—

" March 12—Sir, having considered the question of the malt tax repeal for some years, I will take the liberty of stating some facts for your perusal. My father's evidence, given in the House of Commons some thirty years since, upon this subject, bears with it much force; he says, ' My

labourers formerly brewed their own beer, the duty being 4s. a quarter: when increased so enormously they discontinued this practice, unless I gave them the malt, which in most cases I did.' 'I consider the labourer's greatest comfort to consist in the enjoyment of a luxury such as beer, by his own fireside, in the bosom of his family; he is now driven to the public-house for this luxury, where, mixing with bad company, he is corrupted.' Cobbett stated in the House of Commons that if the labourers discontinued to eat pork they would lose the use of it, but not the taste; so with beer, the labourers require wholesome beer. When the malt tax was only 4s. a quarter, the farmers were in the habit of giving malt to their cattle. This is from a living witness. He says—' When my father used Horley Court farm, I attended the waggon which brought malt from Sussex (twenty miles) for the use of the cattle, which was even continued when the duty was 8s. a quarter. The habit of gin drinking and frequenting the public-house was produced by the loss of a comfort which was formerly enjoyed at the peaceful home of the labourer. Few consider the enormity of this tax. Not only has it demoralised the people by driving them to the alehouse, but it has weakened their constitution by inducing them to take deleterious substitutes.'"

The following was an extract from manuscripts at Euston, written by the Duchess of Grafton, mother of the present Duke. It was supposed to have been written in the year 1792. The malt tax had been raised from 6s. to 10s. 10d. in 1780, and to 12s. 10d. in 1791:—

" The two great oppressions which the poor labour under are the low price of wages, and the exorbitant tax upon malt. The duty upon malt, in a political as well as in a private view, is a most cruel grievance. The cottager, who could formerly brew his own little cask of beer, returned from his day's labour, and partook of his home-brewed liquor with his family. This he can no longer do, but the alehouses are open, and his thirst great; his family at home can afford him nothing but water, and he is tempted to spend the best part of his wages upon himself, which formerly was applied to the common stock."

She adds:—

" Let the Minister tax all the luxuries of life, but let him not encroach upon the subsistence of the most useful part of the creation; but, unfortunately, the cry of the poor cannot easily penetrate, and the sufferings of the country cannot be thought of in a great city. Heaven and earth will be moved to repeal a shop tax, or, indeed, any tax that principally affects the opulent London tradesman; they are too near not to be treated with respect; but still our people are happy, and as long as we are governed by a parent, and not by a despot, we need not fear the influence of incendiary writers."

These noble sentiments, so characteristic of her sex, do equal credit to the sterling sense and benevolent heart of the illustrious writer. Well, but was not that pre-

cisely the same thing now? When men who had been labouring all day in the field, or the operatives who had toiled the long day in the factory, were returning home from their hard toil, were they not thus driven, by the very stress of nature, to the beershops, those sinks of vice and nurseries of crime? But with reference to these excise duties generally, he confessed he could not see how any Government could possibly continue them in operation under the present commercial system of this country. He did not see how the agricultural interest could be carried on under all this taxation, of one kind or other, that pressed so heavily upon it. How was it possible they could continue to bear up with all this taxation upon their home industry, and all this foreign competition at the same time? It was not consonant to common sense, or common justice, to persevere in such a system. He entreated the noble Lord at the head of the Government, to take its inconsistency and pressure into his serious consideration. Neither was it consistent, by implication, with Divine injunction, to tax home rather than foreign produce. "Of whom do the kings of the earth take tribute? of their own children, or of strangers? Peter saith unto him, Of strangers. Jesus saith unto him, Then are the children free." Are our children free? Again, as to the effect of these beerhouses upon the country, the other House of Parliament had, during the present Session, appointed a Committee on the subject, and he would advise hon. Gentlemen to read the evidence which had been given before it by Mr. Mayne, the superintendent of the metropolitan, and of Mr. Dowling, of the Liverpool police; also of Captain Macfarlane, Mr. Rotch, and others, as to the manner in which these places harboured crime, and encouraged habits of intemperance among the public. The petitions he had himself presented from Essex against this tax, were signed by ninety-two clergymen; and he might here mention, as further evidence as to the injurious effects of this tax, and of the evil of the labourers being driven to the beershops, that a magistrate of Oxfordshire having put the question to fifteen clergymen in his neighbourhood as to what they considered would be the best mode of putting an end to drunkenness among the labouring population, no fewer than fourteen of the number returned answers to the effect that the most likely mode would be by a repeal of the malt tax. With refer-

ence to the arguments which had always been urged against the repeal of this tax, that it would not increase the consumption of malt, he could show by several details respecting the consumption of tea, coffee, and spirits, that their consumption had always increased, in some instances 300, and in others even 800 per cent. On tea the excise duty was reduced, in 1745, from 4s. to 1s. per lb., and the consumption rose in the next year from 730,729 lbs. to 2,358,589 lbs., or more than 300 per cent. Between 1782 and 1784 the duty was reduced from 55l. 15s. 10d. per cent to 12½ per cent; and, in 1787, the consumption had risen to 17,047,054 lbs., being an increase of more than 12,000,000 lbs. in five years, or more than 300 per cent. During the war the duties were again increased, and in 1814 the consumption had fallen to 29,224,154 lbs., or what it had been about twenty years before. These sudden rises in the consumption, it must be remembered, took place at a period when the taste for tea was comparatively unknown or uncultivated. Since the war the duties have been still further reduced. The consumption, in 1846, was 22,693,992 lbs.; and, in 1847, 46,324,298 lbs. Mr. Senior, in his *Chapter on Taxation*, said—

"We now purchase annually in China about 30,000,000 lbs. of tea, at about a shilling per lb. On the tea so purchased we impose, in different ways, taxes to the amount of about 200 per cent. Were we to repeal that taxation, and the price in China were to remain unaltered, our consumption would probably quadruple."

So that for once theory and practice did not contradict each other. In 1791, the consumption of coffee in Great Britain was 1,247,276 lbs. It was the same, or thereabouts, in 1795, at which period the duty was raised from 6d. to 1s. 1d. The result was that in 1796 the consumption fell off to 396,953 lbs. There were fluctuations in the duty up to 1804, when the duty was raised and the consumption decreased, so that in 1808 it did not exceed that of 1791. In 1808, however, the excise duty was lowered from 1s. 1d. to 3d. per lb., and the customs duty from 6½d. to 4d. per lb. The result was, that in 1808 the consumption was 1,069,691 lbs., and 9,251,837 lbs. in 1809; showing an increase in one year after reduction of duties of 800 per cent. In support of his argument, he would read the following passage and table from Porter's *Progress of the Nation* :—

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"The Quantities of Coffee consumed in Great Britain, in each of the Five Years of the Census, comparing the Consumption with the Growth of Population, and exhibiting the influence of High and Low Duties, are—

Years.	No. of lbs. consumed.	Duty per lb. on B. P. Coffee	Population of Great Brit.	Aver. Consumption.	Con-trib. per head to Rev.
		s. d.		lbs. oz.	d.
1801	750,861	1 6	10,942,646	0 1.09	1½
1811	6,300,122	0 7	12,590,803	0 8.12	4
1821	7,327,283	1 0	14,301,631	0 8.01	6
1831	21,842,264	0 6	16,262,301	1 5.49	8
1841	27,298,323	0 6	18,532,335	1 7.55	10½

It appears from the above statement, that when the duty amounted to 1s. 6d. per lb., the use of coffee was confined altogether to the rich. The quantity used throughout the kingdom scarcely exceeded on the average one ounce for each inhabitant in the year, and the revenue derived was altogether insignificant. In the interval between 1801 and 1811, the duty was reduced from 1s. 6d. to 7d. per lb., whereupon the consumption rose to 750 per cent, and the revenue derived was increased more than threefold. During the next decennary period, the duty was again advanced to 1s. per lb., by which means the progressive increase was checked so as to render the consumption actually less in 1821, taking the increased population into account, than it was in 1811. In 1825 the duty was again reduced to one-half the previous amount; and we see that, in 1831, the consumption was consequently increased 14,500,000l., or nearly 200 per cent, the average consumption of each individual being raised from 8 oz. to 21 oz. per annum, while the revenue was increased by 100,000l. Again, with reference to spirits, the argument will hold good, namely, that a diminution of duty always increased the consumption. In 1823 the duty on Irish spirits was reduced from 5s. 6d. to 2s. 10d. the imperial gallon, and the following was an account of the quantities of spirits made in Ireland which had paid the duties of excise for home consumption:—

Years.	No. of gallons.
1822	2,328,387
1823	3,348,505
1824	6,690,316
1825	9,262,744

Being an increase from reduction of duty of 400 per cent. If, then, these mere re-

ductions of duty had led to increased consumption, *a fortiori*, that consumption would be still further increased by the entire repeal of duties on malt; he did not propose a partial repeal, because of the difficulty of getting rid of the brewers' monopoly if any duty remained. With regard to malt itself, they had evidence sufficient to prove that there would be, with a reduction of taxation, an equivalent increased consumption—and that high taxation diminished consumption. In Scotland there was formerly such a taste for "twapenny," that its protection was made part and parcel of the Treaty of Union. But eventually there was a malt tax imposed, and the people felt so strongly on the subject, that the Government dared not put it in force until 1725, twelve years after it was legally laid on; and even then, according to Mr. Ford, in his *History of the Malt Law*, a work from which he had derived great information, "considerable riots resulted, which were suppressed with great difficulty." In 1822, beer or big was allowed to be malted in Scotland at a duty reduced from 28s. 10d. per quarter to 22s. 8d., and in 1823 to 14s. 5d. The consumption of malt in Scotland rose from 147,776 quarters in 1821, to 490,730 quarters in 1826, being an increase of 300 per cent in the consumption, from a reduction of one-half in the duty on malt. But to return to the causes which drove malt liquor out of consumption in Scotland, and made that a whisky-drinking country instead. At and previous to the beginning of the 18th century, every publican in Scotland—being every man who chose to embark in the trade—brewed his own ale, and the resort to his house depended on the quality of his liquor; which, when thunder or witchcraft did not interpose, was generally excellent. The strong ale was reserved for holidays and the tables of the great; but the twopenny—so called because it was sold at twopence the Scotch pint, equal to nearly two English quarts—was so much esteemed as a national beverage, that it was inserted by name, and guarded by peculiar privileges, in one of the articles of the Union. Another article, however, in the same Act, secured to the Scottish brewery an Exchequer Court; and this, conjoined with the enormously increased malt duties, so lessened the exhilarating qualities of this ancient ale that it has now lost its fame. In its stead a kind of small drink is brewed; but it is destitute of all the qualities so often celebrated in

Scottish song, and is scarcely superior to the trash termed table-beer in the work-houses of the metropolis. The result was just the same in Ireland, and it would show why they were a whisky-drinking people; and he might here mention that it is malt that gives its peculiar flavour to whisky; and from the Scotch making theirs almost entirely from malt it is that which has given to the Scotch whisky its far-famed excellence. In 1792, when the tax was $7\frac{1}{2}d.$ per bushel, there were consumed 5,088,976 bushels of malt; and in 1821, when the tax was $3s. 6d.$, it was only 1,783,876 bushels. The difference in consumption in proportion to population was nearly 500 per cent. To take a further illustration of the effects of taxation on the consumption of this article; in 1792, the tax per barrel on malt in Ireland was $2s. 6d.$; in 1795, it was raised to $3s. 3d.$; in 1796, to $5s. 3d.$; in 1799, to $6s.$; in 1801, to $6s. 6d.$; by which time the consumption of malt had decreased from 1,284,378 to 173,900 barrels. Thus the difference in consumption resulting from the increase of taxation was 700 per cent, and even more, if the increase of population were to be estimated. So much for the argument, that taxation had not driven malt out of consumption. There were those in the House who would object to the repeal of the malt tax on the score of morality. He had shown that in Ireland there was in a few years a falling-off in the consumption of beer to the extent of 700 per cent, and in Scotland in a similar ratio. No doubt we were a very moral people whenever it was convenient, but not a moment beyond that point. A few years ago, in a fit of humane impulse, we did away with slavery; now, because we liked cheap sugar, we encouraged it. Again, when the Chinese Government wished to divert its people from the use of the pernicious drug, opium, we went to war to prevent their doing so—our manufacturing interests required it—and the morality of the disciples of Confucius was permitted to triumph over the morality of those who bore the name of the blessed Jesus. He had said nothing of the cotton produced by slavery; to give up that trade would be far too great a sacrifice to the moralists of England, although it was not the less true that they who allowed or sanctioned oppression shared the crime. But, even on the ground of morality, the repeal of this tax ought to be advocated; for the increase of spirits in the last forty-five years in England had

been twofold, in Scotland fivefold, and in Ireland sixfold. The reason there was this great difference between England and the other countries arose from the duty on spirits in England trebling in one case, and doubling in the other, the duty in Scotland and Ireland. The statement that malt liquor was superseded by an increased taste for tea, coffee, cocoa, &c., from an increased disinclination to strong drink, was therefore entirely disproved by the increased consumption of ardent spirits coincidently with the increased consumption of tea and coffee. He defied all the ingenuity of the Chancellor of the Exchequer, and all the casuistry of the political economists, to show that the falling-off in the consumption of this good, old-fashioned, generous, and wholesome national beverage, resulted from anything else but excessive and oppressive taxation. We had historical evidence of its having been the drink of the country for many hundred years. Eusebius, in his panegyric on Constantine, 1,500 years ago, referred to the fertile corn fields and the drink made of corn, for which Britain was famous. The taste for this national beverage remained as strong as ever, as would be shown if the repeal of the tax allowed the public to get it cheap, and unadulterated by noxious drugs. He apologised for being tedious; but he now wanted to show his right hon. Friend the Chancellor of the Exchequer what he, the maltster, and the brewer got out of an acre of barley. Hon. Members would be astonished to find what was got out of an acre of barley. He would suppose—and it was not an unreasonable supposition—that an acre of barley produced, on an average, five quarters, and that one quarter of barley produced one quarter of malt; one quarter of good malt produced 96lbs. of saccharine matter, and that would make three barrels, or, allowing for waste, 101 gallons of the beer usually sold at $6d.$ per quart. For the acre of barley, then, this would give $50l. 10s.$ worth of beer. Supposing the malt was untaxed, that could be produced for $10l. 14s.$, including hops; and thus the Chancellor of the Exchequer, the maltster, and the brewer made nearly $40l.—39l. 16s.$ —out of each acre of barley, while the landowner only received $25s.$, and the tenant, when he got anything at all, seldom more than $15s.$ Looking also at the produce of an acre of barley when applied to the manufacture of spirits, the result was much the same oppressive and most exorbitant taxation;

indeed, a great part of our fiscal system seemed built on this grossly unjust taxation of barley. Spirits from the raw grain paid a duty of 5*l.* per quarter, or 25*l.* the acre; and the malt spirits 6*l.* per quarter, or 30*l.*, which sums were absolutely paid for taxes only to the Chancellor of the Exchequer. It had been said that this was a question which merely affected barley lands; but he would show that there was not an acre in the three kingdoms which would not be benefited if this obnoxious tax were abolished. The draft report of the Committee which sat on this subject in 1836, of which the noble Lord at the head of the Government was a Member, recommended that the duty should be reduced one-half; and it founded that recommendation on the assumption that such a reduction would double the consumption. The same assumption was taken by the Commissioners of Excise Inquiry in their fifteenth report. They said—

“ We have already said, that the only grounds on which a reduction can be justified, while the present amount of revenue is necessary, is a strong probability that a reduced duty would, by means of an increased consumption, yield as great a revenue as that which is obtained from the present duty; but if the importation of foreign barley be not permitted, the tendency of a reduced duty to increase the consumption of malt would be counteracted by the price of British barley becoming higher in consequence of the new demand for it which would arise from the duty having been lowered.” * * * “ If there were no factitious cause for elevating the price of barley, arising from the direct effect of a duty on foreign barley, or from the indirect effect of duties on other kinds of foreign corn, we should not feel any hesitation in saying that the proper way of dealing with the malt duty would be to reduce it one-half.”

If a reduction of one-half the duty would double the consumption, it was plain and evident, from *a priori* reasoning, that a total reduction of the duty would at least treble the consumption. “ Oh! but,” said some hon. friends of his, “ granting all this increased demand for barley, the county I represent is not a barley district, it won't help me, and nothing but protection will help me.” To this he (Mr. Cayley) replied, protection would not only raise the price of wheat and oats, which he supposed was what his hon. friends wanted; but he would show that the repeal of the malt tax would raise wheat and oats quite as much as it would raise barley; and he hoped the Irish and Scotch Members would especially mark that part of his case. The

first great demand would be for barley; its price would first rise; but it could not be supplied without taking the place of many million quarters of wheat and oats at present grown in this country. The effect would be to take probably 8,000,000 qrs. of wheat and oats out of the market. Then, wheat and oats would rise in price as much as barley. This would happen as follows. The present consumption of barley for malting was about 5,000,000 qrs., and the repeal of the duty could therefore not be expected to add less than 10,000,000 qrs. more. What a stimulus would this give to the growth of barley! and allowing that there would be brought in 2,000,000 qrs. more than at present of foreign barley, there would be 8,000,000 qrs. more barley required to be grown in the united kingdom, on land now producing wheat and oats. The present growth of wheat and oats being thus reduced, there would be a legitimate increase in price, and thus he contended that the producers of all kinds of grain would be benefited by the repeal of the tax. The displacement in this country of 4 or 5,000,000 qrs. of wheat, and of 3 or 4,000,000 qrs. of oats to make room for 8,000,000 qrs. of barley, for which a new demand would shortly arise, must raise the price of all three grains. Foreign grain did not lower the price merely because it was foreign grain, but because it at present caused an excess of about 4,000,000 qrs. of wheat, and 1,000,000 or 1,500,000 qrs. of barley and of oats; but if we reduced our growth of wheat and oats in the same proportion, then prices might possibly rise to what they were before the repeal of the corn laws. If this ought not to be an argument with protectionists and farmers for the repeal of the malt tax, he did not know what ought. The repeal of this tax was the best lever in their hands. It might, financially, either compel the imposition of moderate import duties to make up the revenue, or the exposure of the gross injustice and partiality of this tax might prove to every one the necessity of some protecting duty by way of compensation; or if no protection could be recovered, the repeal of this oppressive tax would be the best substitute for it. The present system in fact, forced the farmer into an unnatural system, and made him grow wheat twice in the course, instead of only once. It must be always remembered we were as superior to the foreigner in barley as he was to us in wheat. At

this time we were complaining of foreign competition, and at the very period when we were most exposed to foreign competition the Government persisted in overtaxing the very article in which we were best able to compete with the foreigner. He would not venture to predict—he was one of those who believed that human beings could not see an inch before their noses—but if there were any certainty at all in experience, then would the advantages he had described seem to be the natural result of the repeal of this tax. He trusted we should hear no more, then, of this being only a barley question. There was no measure short of a repeal of the present commercial system, unless California, or a reform in our monetary system, came quickly to our aid, which could help the British farmer equal to the repeal of this tax. Of what did the farmer complain? Simply of low prices. He did not ask for high prices for the sake of high prices, but to give him reasonable remuneration, and because as those prices diminished, the effects of taxation became more visible. Like some amphibious reptile, which, in the darkness of the night, might commit universal havoc and destruction, and hide himself from view in the day time, in some deep reservoir; as the waters subsided, the hideous reptile would become more and more exposed to view; so, as prices diminished, the monster taxation became more exposed to light, and the ability of the English farmer to bear up against the ravages of that reptile the taxgatherer, became less and less. In considering whether we could compete with the foreign barley grower, the case must be viewed particularly with reference to quality. Our best barley was better than Saale barley (the best foreign barley) by 5s. to 8s. a quarter, because weighing from 2 lbs. to 4 lbs. a bushel heavier, and containing from 8 lbs. to 10 lbs. per quarter more saccharine. (The last year was a good barley harvest everywhere, and the prices were:—Saale barley, 21s. 6d. to 23s. a quarter; Danish barley, 17s. to 20s. a quarter; English average barley, 23s. a quarter; English best barley, 25s. to 27s. a quarter. On the authority of Mr. Ford, a gentleman who had been engaged in the trade for many years, he could positively state that not more than 100,000 quarters per annum from Saale would be likely to be brought hither. From the south of France the samples were generally dirty, and the crop was mostly grown by small

farmers, who used it themselves. We received none from America, because, either raw or malted, the grain suffered from so long a voyage, either in colour or by acquiring a bad taste or odour, or by chafing, and therefore we need not expect any; and all that were received from the Danish and other ports of the Baltic were inferior to our own average. Under these circumstances, we had not much to fear from foreign competition. It might be said that the present prohibitory duties on foreign malt would be involved in the repeal of this duty. Let it be so. He would encounter that cheerfully if by it he could secure the repeal of this excise duty on the home-made malt. It was not probable we should import foreign malt, when at present, in spite of an insufficient drawback on the duty, we exported beer to every country that did not prohibit it. Malt, besides, had a great tendency to grow slack or soft in a voyage. He had given his best consideration to the question, and he was convinced that so great would be the impetus given to agriculture by repealing this tax, that it seemed, so far as appearances or *a priori* reasoning could be ever trusted, that it would almost render nugatory the effects of the repeal of the corn laws. Taking into account the difference in the amount of population at both periods, there was a decrease in the consumption of barley in 1849, as compared with the consumption in the year 1700, of no less than 17,500,000 quarters. What could more eloquently demonstrate the injurious effects of the duty on barley than this astounding fact? If the tax were repealed to-morrow, there would be an increase, in the course of a year or two, of no less than 10,000,000 quarters in the annual consumption of malt; nor would the advantage end there. Look at the impetus which would be given not only to the avocations of masons, carpenters, brickmakers, limeburners, slaters, plasterers, labourers, coopers, hoopmakers, glass bottle makers, stavemakers, sack and twine makers, growers of hemp, burners of coke, hop growers, carriers of coke, malt, and beer, pitmen (coals), &c.; increased employment to probably at least 100,000 men, and, with their families, sustenance to 500,000 additional people. Of coke alone, 220,000 tons additional would be required. The advantage which would accrue to the hopgrower would be, in itself, so great, as almost to justify the repeal of the tax, even though other arguments in favour of such a proceeding

were wanting. The extent of land at present devoted to the growth of hops, was about 43,000 acres; but it would be no exaggerated estimate to calculate that at least 86,000 acres more would be devoted to that purpose if the tax were repealed. If the Chancellor of the Exchequer should ask how the revenue was to be recruited for the loss it would sustain by the abrogation of this tax, he (Mr. Cayley) was not sure that he would give an opinion on the subject, unless he were paid for it; for he had generally observed, that what was got for nothing, was thought to be worth precisely what it had cost; but of this he would assure his right hon. Friend, namely, that if he had as large a fee for producing a budget as himself, he would promise him a most satisfactory one. But, nevertheless, he could assure the right hon. Gentleman, that he did not think that any serious difficulty would be experienced in making the change square with the demands of the revenue. The gross amount received in the year 1849, on account of the malt tax, the quantity taxed being 4,749,000 quarters, was 5,145,702*l.* The deductions on account of the expenses of collection, drawbacks, and allowances, amounted to no less a sum than 523,000*l.*, so that the net revenue realised by the tax could not be estimated at a higher amount than 4,622,702*l.* Under all the circumstances of the case, the surplus in the Exchequer this year was estimated at 1,500,000*l.* The Chancellor of the Exchequer, in repealing the duty on bricks, and altering the stamp duties, had estimated the expense to the revenue at 750,000*l.*; and there then remained a sum of 750,000*l.* more, which he proposed to devote to the reduction of the National Debt. Now he (Mr. Cayley) did not mean to interfere with these arrangements, except to suggest that it was very doubtful whether the Stamp Bill would pass. If he should be so fortunate as to carry his present proposition, and to obtain leave to bring in a Bill for the repeal of the malt tax—an occurrence of which he admitted he did not think there was much chance, since the protectionists were not ready to come in, and the financial reformers only voted for financial reform when it was not likely to be carried—he did not mean to propose that the change which he contemplated should take effect under circumstances which would occasion the least interference with the financial arrangements of the present year. The main provision of

the Bill he proposed to introduce would be, that one half of the duty should be remitted on the 5th of April next year, and that the remainder of the tax should be repealed on the same day of October the same year; an arrangement which he trusted would be found to conduce to the convenience of the Chancellor of the Exchequer. The surplus in the Exchequer on the 5th April, 1851—even according to the showing of the budget—would probably amount to 1,000,000*l.*; but it should be remembered that they had also the best authority for indulging in the anticipation that considerable reductions would be effected in the national expenditure. A perusal of the calculations which, in February last, appeared on this subject in a newspaper edited by a gentleman whose views on economical subjects were supposed to have great weight with the Government—he alluded to the *Economist*—would appear to favour the opinion that the additional saving to the Exchequer on account of reductions in the expenditure commenced last year, might be estimated at 500,000*l.* There would be an increase in the hop duty of at least 500,000*l.*, and the extra corn duties would produce, probably, according to our experience since the budget, over and above what was there reckoned upon, 310,000*l.* If to these sums were added the 1,000,000*l.* that would be annually saved by the withdrawal of the African squadron, it would be seen that the deficiency in the revenue which would be occasioned by the repeal of the malt tax would be reduced from 4,622,000*l.* to 3,310,000*l.*; leaving the actual amount of the deficiency at not more than 1,312,000*l.* So small a deficit as that surely ought not to be held forth as an argument against the repeal of a tax so obnoxious and vexatious as this. But if we were to credit the rumours that there was to be an increase in the present quarter's revenue of 400,000*l.* above the same quarter of last year, and that this increase might be expected to be more than maintained throughout the year, it would be found that the deficiency occasioned by the repeal of the tax would not exceed 100,000*l.* or 200,000*l.*, and perhaps that there would be no deficiency at all. If the proposition, therefore, were only to be considered with reference to its bearing on the Exchequer, he should have no hesitation, even on those grounds, in proposing the repeal of this oppressive, and, indeed, he might almost add, this atrocious impost. Not only would the daily enjoy-

ments of the healthy and vigorous amongst the poor be enhanced and promoted by such a measure, but the poor lying-in woman would be enabled to taste what was a necessity of her position, the poor decrepit old man would be comforted, and the sickly child would be strengthened and refreshed. He had, he hoped, satisfactorily shown not only how inquisitorial, how vexatious, and how partial and unjust this tax was, but how heavily it oppressed the farmer—how still more grievously it oppressed the poor labouring consumer—how temperance and its high interests would be promoted by its repeal—how the employment of labour and scientific farming would be stimulated by it. He was warned, indeed, by the right hon. Member for Ripon not to press a consideration of agricultural taxation, for fear of the consequences of a thorough investigation. He was not afraid. More agricultural taxation than any other had been reduced since the war, it was true, but only because agriculture bore an undue proportion; more still remained to be reduced, because agriculture was still most unduly taxed. "Farm-houses are exempted from the window-duty," said the right hon. Baronet. Yes! to the extent of 30,000*l.* a year. He forgot to add that tradesmen's shop-windows were exempted to the extent of 50,000*l.* a year. "Agricultural horses and (I think he added) shepherds' dogs, are relieved from taxation." Yes! but had we ever yet taxed the machinery of the manufacturer? Horses to the farmer were the machinery of his trade. Had we ever taxed the railway whistle, or the factory bell? When we did, they might then boast of the repeal of the tax on shepherds' dogs. There was, therefore, no objection, there could be no real argument, against the repeal of this tax, but that which related to the loss of revenue. But who objected to the repeal of this tax for fear of a deficit? The last Government, which repealed the corn laws, on which repeal this demand is irrefragably founded, the single condition of which change in our policy, was a free and unfettered trade to all? Was a tax of 100 per cent on one important process of industry an unfettered trade? Was 100 per cent tax on the producer free trade? Was 500 per cent tax on the consumer just or free? The present Government, did it object, who, by its own organ at the commencement of the Session, declared that it had lowered agricultural produce, and there-

by gained to the country 90,000,000*l.*? Could they set 5,000,000*l.* of revenue against a loss they had inflicted on British agriculture of 90,000,000? Could they, who have unlocked our doors to the inroad of the whole world, refuse to unloose the shackles with which our hands were bound, that we might use them in self-defence? He had shown how this 5,000,000*l.* of revenue could be dispensed with; but if part of it, or even the whole of it, be imperatively required, who could best afford to pay it?—those who have lost the 90,000,000*l.*, or those who, according to you, have gained it? Who then objected on the score of deficit? The free-trader, who promised so large an accession of wealth to the country, that, if he be right, the deficiency should be made up in one year by increase of prosperity? And it must not be forgotten that, under the protective system, the amount produced by this tax had been made up in a single year, without an increase of taxation. The financial reformer, did he object on this ground, who is, or was, for a diminution of 10,000,000*l.* in the expenditure, whereas the outside deficiency created by the repeal of the malt tax, could be only 2,000,000*l.*? Could he discover so effective a means of reduction as not giving the money to be expended? The protectionist, did he object, who knew that if free trade failed, the deficiency could easily be supplied in a manner unfelt by the general consumer through the system he prefers? The Government, no doubt, would plead danger and inconvenience against the repeal of this tax. So did they against the repeal of the corn laws. What did they answer then to them? "Justice to the consumer." So his answer to them now was, "Justice to the consumer and producer both." Of that justice many doubted, and still doubt. Of this justice no man doubted, or could reasonably doubt. Who taught them to be cautious in their legislation in reference to the land? The right hon. Member for Ripon, who, in the language of Mr. Burke, told them, now many years ago, that it was a perilous thing to try experiments upon the farmer." If peril, then, there was in this course, remember it was of their seeking, not ours. It was a simple corollary to their own economical problem. Would they plead public faith? Was no faith, then, to be kept with the land? Was there any man in that House who, either for himself or his constituents, whatever branch of in-

dustry he represented, would consent that an analogous amount of taxation should be placed on his own or on their produce? If not, let him, before deciding into which lobby he would go, call to mind that divine rule which taught them to do as they would be done by. Public faith! Who taught them, year by year, by quotations from the speeches of that illustrious statesman, to respect the opinions and reverence the name of Mr. Burke? That eminent man, but yesterday a Member of this House, whose untimely loss they now so much deplored. What did Mr. Burke say on the subject of public faith? "The first creditor of the State is the plough; this original, indefeasible claim supersedes every other demand." But could public credit be really more endangered than through a course of oppressive injustice, by sapping the foundation of that stable and permanent interest, every acre of which, according to Mr. Pitt, was mortgaged to the public creditor? It was, in common fairness to that great interest, that he asked them to repeal this tax. In the name of justice, as well as good faith, he implored them to disregard all the stale pretences of inconvenience to the public service, of danger to public credit, of peril to the Ministry, those ancient bugbears of Ministerial resistance to every reduction of taxation that was ever yet proposed. Above all, he entreated them to rise superior to the meanness of that maxim, which would teach them to do right only when it was convenient to do it. In the name of the largest body of producers in this kingdom—in the name, too, of the largest body of consumers, he adjured them to redress this crying wrong—to be just and fear not.

Motion made, and Question proposed, "That leave be given to bring in a Bill to repeal the Malt Tax."

MR. CHRISTOPHER said, after the able speech of his hon. Friend, and considering it desirable at that period of the Session that the debate should be brought to a close that evening, he should be very brief in his observations in support of the Motion. On former occasions, notwithstanding that he considered the excise duty on malt grievous and oppressive, still, taking into consideration the protection which agriculture then enjoyed, he had thought it right to oppose the repeal of the tax. But when that Motion was brought forward by a noble Friend of his in 1836 (the Duke of Buckingham), the protec-

tion enjoyed by the agricultural interest amounted to something like 50 per cent. At that time the price of barley was 32s., now it was 22s. a quarter. Great agricultural distress prevailed then, but it arose not from universal competition with foreign nations, but from excessive production. Circumstances had entirely changed. They had abandoned their former commercial policy, and had left agriculture the only unprotected interest in the country. Under these circumstances he felt justified in calling on the Government to apply the same measure of justice to that interest which they had applied to the other great interests of the community. On what principle of justice could they continue to levy a duty of 100 per cent on the produce of this country, when the produce of other countries was admitted free? On what principle of justice was the English farmer prohibited from growing tobacco, or cultivating beet-root, for the purpose of making sugar? He felt, therefore, that he had now a right to call on those who had been the advocates of free-trade measures, to carry out their own principles. Above all, he felt entitled to ask the support of the hon. Member for the West Riding, not only by his vote, but by his influence. The hon. Gentleman, on a remarkable occasion, advocated the repeal of the malt tax. He was reported to have said, in a speech delivered by him at Manchester, that he sympathised with the farmers. He would never tolerate a shilling by way of protection on corn, but would co-operate with them in getting rid of that obnoxious tax. "We owe something," he said, "to the farmers, and will repay them in kind." The hon. Gentleman also wrote a letter to the chairman of the Financial Reform Association at Liverpool, in which he said—

"It might be laid down as a rule, that whenever you touched an excise duty at all, it should be totally abolished, because the great objection to such taxes was the interference of the exciseman with the process of production, which would equally apply whether the duty was great or small."—"The farmers were in favour of the repeal, not merely because it would add to the contentment of the peasantry, and relieve the employers from a heavy tax, but because the best agriculturists protested against a duty which denied them the free application of their capital to the fattening of cattle, and restricted the growth of barley. Speaking to an influential deputation of farmers, he told them their national budget would be unavailing unless it included the total repeal of the malt tax, amounting to 4,000,000l."

An inquiry had been instituted to ascertain the value of malt as food for cattle;

but how was it conducted? By asking influential agriculturists in different parts of the country? No such thing. A case was sent down to one or two chemists, of whom Dr. Thomson, of Glasgow, was one, and with their judgment the Board of Excise rested satisfied. But he held the opinion of such men as Mr. Latimer or Mr. Hudson, of Castle Acre, Norfolk, who had written on the subject, and made themselves acquainted with it by experience, to be worth 500 reports of the Board of Excise and the chemists of Glasgow. But it was argued on the other side that the tax fell principally on the consumer. This was a curious argument, certainly, to come from the mouths of free-traders, who, with the hon. Member for Westbury, seemed to think that it was of no consequence how much the producers competed with and ruined each other in the race, provided the consumer was benefited. But he denied that the tax fell chiefly on the consumer, and he could not better illustrate this than by quoting the words of the great statesman whose loss they all so deeply deplored. Speaking on the Motion of the hon. Member for Wolverhampton for a repeal of the corn laws, the right hon. Baronet observed, referring to the malt tax—

"I think you raise 8,000,000*l.* or 9,000,000*l.* a year from the tax on barley. I think the duty is above 8,000,000*l.*, and in addition you subject the landowner to great difficulties in conducting his operations. You say to him, 'In order to secure this revenue from a single article, we will interfere with the operations of your trade, and subject you to peculiar supervision, interrupt you in the application of your capital, and prevent you from making the most of the barley you have.' I know the answer to this statement will be, that this duty is not a burden peculiar on land—that it is borne by the consumer. Let us try to apply the same sort of reasoning, supposing a tax were proposed to be imposed on the cotton manufacture. Supposing the manufactured articles of cotton were subjected to a duty for the purpose of raising 2,000,000*l.* or 3,000,000*l.*, I apprehend the cotton manufacturers of this country would decidedly object to such an imposition. They would say, 'At the time we are pressing you to take off the duties on raw articles, and while we complain of the duty on foreign raw cotton as a grievous exaction, to propose to raise 2,000,000*l.* or 3,000,000*l.* by a duty on manufactured cotton, would be an act of folly and insanity, of which no man fitted to serve in office in this country could be guilty.' If I answered them by saying that foreign silks and articles of foreign manufacture, which entered into competition with their goods, would come in more fully if their goods were taxed—that the tax on the goods would fall on the consumer, and that they (the producers) had no reason to complain—would they be satisfied with these observations? and, therefore, though I cannot admit that the malt

tax is to the extent to which it has been represented a burden exclusively on land, yet as the removal of the malt tax would give great facility to the operations of those concerned in the malting business, I must say that it is a heavy duty on an article of agricultural produce, which must operate as a disadvantage in the application of capital in that particular direction. For these reasons I have a strong impression, that on the ground of special burdens there is a claim for protection on the part of the land."

He said, that although he could not admit the malt tax to be, to the extent represented, a burden exclusively imposed on land, yet as its removal would give great facilities to those concerned in the malt business, it must operate disadvantageously upon the aggregation of capital employed in that particular direction, and therefore, on the ground of its being a special burden, he thought a claim for protection existed on the part of the land. The House had thought fit now to withdraw this protection, and these taxes were therefore no longer applicable to the present state of things, and in common justice ought to be immediately repealed. When this tax of 20*s.* 8*d.* was first imposed in 1817, the average price of barley was 49*s.* 9*d.*; but with the present reduced price of barley, in which there was no prospect of a rise, owing to the increased importation, the duty, instead of being 50 per cent, which was excessive, would be 100 per cent, if the present amount were retained. The only real objection which could be raised to the repeal of the tax was on the ground that the revenue would not bear it; but when he considered the number of taxes pressing heavily on the industry of the country which had been repealed since the war, and that every one had been met by these self-same arguments; when he recollected, despite the warnings of successive Chancellors of the Exchequer, that the public credit remained inviolate, he thought they were entitled, without any desire to impair the public credit, to call on the Government to agree to the Motion of his hon. Friend. The amount of the tax might be urged by the Government as an argument against its repeal; but he thought he was justified, knowing the intolerable distress which prevailed amongst the class on whom it fell, and the refusal of the Government to afford them any relief, on calling on the Government to abolish it, leaving it to the ingenuity of his right hon. Friend the Chancellor of the Exchequer to find a substitute. Nor would it be the first time his ingenuity had been so taxed, for he re-

membered that his right hon. Friend had in a former Session introduced no less than three budgets. For his own part he followed the general views entertained by his lamented noble Friend, Lord George Bentinck, with whom he had had the honour of being in constant and intimate communication. His opinion was, that if the sounder system of financial policy adopted by Mr. Pitt had been followed more, and those of the modern economical school less, no doubt a sufficient revenue would have been found. It was in vain to tell him, after the repeal of 30,000,000*l.* of taxes since the war, when this country, with not more than half its present population, bore 70,000,000*l.* of taxation without complaint, while it had now only to support about 54,000,000*l.*, that a substitute could not be found for this tax. He could quote an authority which he knew would be received with respect by his right hon. Friend the Chancellor of the Exchequer and those Gentlemen on the other side of the House, namely, that of Mr. Fox. Mr. Fox said, on all occasions, that he considered the excise duties intolerable, except from absolute necessity; and in all the debates on the finances of the country he always maintained that the customs duties were preferable to the excise. Speaking with reference to the tobacco duties, Mr. Fox said—

“If there was any man acquainted with the freedom of the constitution, who did not think the excise laws more harsh and oppressive than could be borne? He declared, therefore, that he came down that day, not so much with any great hope of successfully opposing the Bill, as with a view to state his opinions on the subject, and to enter his general protest against a scheme which he completely disapproved. If, in a country where every trade could see its own danger by what happened to another, they did not feel it as a common cause, and join in resistance whenever the excise laws were attempted against any one article of manufacture, they gave but bad symptoms of their hearts or their understandings. If the tobaccoist, when he saw the wine merchant taxed, and put under excise laws, stood by and said to himself, ‘Let the excise go to the wine merchant so that I am free,’ he acted foolishly, and scarcely deserved to be assisted when the case should become his own. The wine merchant, in like manner, might say the same of the tobaccoist and of the country gentleman, whereas it was now proved that the oppression of the excise laws would fall upon both. Those who would not assist others, must not expect to be assisted themselves in the hour of danger.”

In conclusion, he repeated that so long as the manufacturing interest enjoyed a protection to a certain extent, it would be but common justice to place the agricultural interest on an equality with it. It was for

this reason that he had risen to second the Motion of his hon. Friend. The Government had refused to grant protection, and had, therefore, left the agriculturists no choice but to demand as an act of justice the removal of this burden.

The CHANCELLOR OF THE EXCHEQUER said, the House would probably not think it necessary that he should follow his hon. Friend the Member for the North Riding, through the many various topics embraced in his speech, since, if he did so, he should be obliged to occupy so much time as would render it utterly impossible that the debate should close that evening. His hon. Friend had drawn a glowing picture of the blessings that were to be derived by all classes of the community from the repeal of this tax, and he was sorry that he should be obliged to destroy the flattering prospects of this Eldorado. But if he could show the impossibility of any great benefit proceeding either to the consumer or the producer from the repeal of the tax, judging from the experience they had had of former extensive reductions of the duty on malt, he thought he should be fully justified in asking the House to sanction a continuance of the tax. The hon. Gentleman who spoke last, had made two mistakes which it was important to correct. First, he said that whereas manufactures were protected against foreign imports, no protection whatever existed for articles of agricultural produce. His hon. Friend might surely have remembered that in a paper printed this Session, on the Motion of the hon. Member for Montrose, there was a return of the amount of duties levied on imports of foreign agricultural produce and foreign manufactures respectively, and that the amount of duties levied on foreign agricultural produce considerably exceeded that levied on articles of foreign manufacture. His hon. Friend's statement on this point, therefore, was not borne out by facts; and his hon. Friend was equally mistaken in supposing that there existed by law any prohibition of the cultivation of beet-root by agriculturists in this country. There was no reason why the agriculturist should not grow beet-root for making sugar, if he found it profitable; and if he did not do so, the fault was not imputable to the law. The hon. Member for the North Riding seemed to think it necessary to justify the agriculturists from the imputation of being actuated by selfish motives in their efforts to maintain protection. He could assure his hon.

Friend that he had never imputed selfish motives to hon. Gentlemen who were favourable to agricultural protection. He differed from them on this subject, but he had always given them full credit for believing honestly and conscientiously that the policy they advocated was calculated to produce benefit to the community at large. If he were called upon to name any article, the removal of protection from which had been productive of unmingled good, by benefiting both the producers and the consumers, he should take that of wool, the consumption of which had most materially extended since the removal of the duty on foreign wool in 1844, and with the greatest benefit to the British producers. He did not regard this as a party Motion, because he apprehended that the leaders of hon. Gentlemen opposite were just the last persons who would advocate the repeal of the malt tax. Lord Stanley had declared within the last few months, that if he were to vote now on this question, he would vote as he had always done, whether in Government or Opposition, against the repeal of the malt tax, for which no substitute could be discovered, and the benefit arising from the repeal of which was of a very problematical sort. Again, he could hardly persuade himself that the hon. Member for Buckinghamshire would join in the vote for the removal of this tax, remembering some of that hon. Gentleman's declarations as to the expediency of maintaining a considerable surplus, though it was true that some of the hon. Gentlemen's recent votes on financial questions were rather inconsistent with those professions of opinion. As to the effect of the proposed measure being prospective only, he did not think there could be a more mischievous course to pursue than to announce an intention of reducing the duty on an article of this description in a future year; for when it was known that the duty was to be taken off at a subsequent period, he apprehended that hon. Gentlemen who had crops of barley to dispose of, would find the article remaining on their hands a long while, and only be able ultimately to dispose of it at a very considerable loss. The malt tax produced last year within a few thousands of 5,000,000*l.* sterling. The hon. Member for the North Riding talked of the ancient bugbears of national faith, and national establishments, and maintenance of Cabinets. He did not conceive that the sober and reflective portion of the House would consider national

faith and national establishments mere bugbear words. As to the displacing of Ministers, he would only advise his hon. Friend, before he displaced him in the Chancellorship of the Exchequer, and proceeded to abolish the malt tax, to be very sure he had got some substitute for it that the House and the country were likely to sanction. The hon. Gentleman seemed to imagine that the falling-off in the consumption of beer was entirely owing to the duty on malt. Now it was certainly true that, if you took a period of 10 years, the consumption of malt was less now than it was 10 years ago; but if you took three periods of 10 years, the result was the other way. The House would find a great mass of information on this subject in the papers laid before the House of Lords on the sale of beer, and from that information he derived these averages of the quantity of malt paying duty in the last three decennial periods:—1821 to 1830, 26,800,000, 1831 to 1840, 34,400,000, and from 1841 to 1849, 31,700,000 bushels. According to the hon. Gentleman, this latter falling-off was owing to the duty; but an inquiry into the quantity of malt paying duty in the three years of unrestricted importation disproved the supposition. The figures were these:—in 1847, 30,200,000; 1848, 31,800,000; 1849, 33,160,000 bushels. The hon. Member, in pointing to the undoubted fact that other liquids had increased in consumption, while beer had fallen off, ascribed this circumstance also to the duty. Here, again, the hon. Gentleman was mistaken. That the other liquids referred to had increased in consumption, while beer had fallen off, was true, but the cause lay mainly in the change of habits and tastes manifest in all classes of the community. Every Gentleman present must, in his own establishment, have found that the beer at one time consumed by his domestics had of late years been in a great measure replaced by tea and coffee. The same was the case with the labourers throughout the country, and a very great blessing it was, for the sake of the public health and morals, that such was the case. If Gentlemen would turn to the tables he had already quoted, they would find to how great an extent this change was operating. He would read from those returns a comparative statement of the consumption of particular articles in the united kingdom in the years 1839 and 1849:—

“ Malt, in 1839, 39,930,000 bushels, in 1849,

38,935,000 bushels; tea, in 1839, 35,136,000 lb., in 1849, 50,024,000 lb.; coffee, in 1839, 26,832,000 lb., in 1849, 34,431,000 lb.; cocoa, in 1839, 1,610,000 lb.; in 1849, 3,233,000 lb.; spirits, in 1839, 29,216,000 gallons, in 1849, 28,231,000 gallons, wine, in 1839, 7,238,000 gallons, in 1849, 6,487,000 gallons."

The result of that comparison was that the consumption of all intoxicating liquors had fallen off during the last ten years, whilst the consumption of all liquors not intoxicating had increased to a considerable amount within the same period. He did not think that was an unsatisfactory result. He believed that it had contributed very much to the benefit of the working classes, by removing from them the temptation to use those liquors which they were formerly prone to use to an extent prejudicial to their morals and their health. It was a convincing proof it was not owing to the duties that that result had been obtained, that the rate of the duty on beer was infinitely lower than that levied upon wine or upon tea, which were the great articles that came into competition in consumption. The hon. Gentleman said that if they only took off the duty on malt, they would increase to an almost unlimited extent the consumption of beer; but the consequence was anything but a matter of course. It was certainly the case, that if they looked to tea, coffee, and other articles, a large increased consumption had followed a reduction of the duties on those articles; but he doubted if the same result would follow the reduction of the malt tax. He did not, of course, deny that there had been a large increased consumption of those articles, consequent partly upon the reduction of the duty, and partly upon a change in the habits of the population of this country. But he had a far better criterion of what the reduction of the duty on malt would lead to, because he knew what had been the result of the reduction of the duty on beer. The hon. Gentleman had referred to times long ago; but they had the experience of thirty-five years ago, of what was the effect of the reduction of the duty on war malt and on beer. It appeared from the report of the Lords' Committee on the sale of beer, that taking together the war malt and the beer duty, the total duty on strong beer was equal to 75s. 2d. a quarter on malt; and the duty on weaker beer was 60s. 10d. a quarter on malt. The duty on beer being repealed, the duty per quarter on malt was 20s. 8½d.; and although there had been a reduction of the strong beer duty of 50s.

per quarter on malt—on weak beer the reduction was 40s. per quarter on malt—the consumption of beer had not increased. This being the case, was it reasonable to say that any extraordinary increase could arise from a reduction of 21s. per quarter, when no increase took place from a reduction of 50s. and 40s. per quarter? It was not reasonable to think so. If the hon. Gentleman would refer to the evidence of Mr. Barclay, given before the Lords' Committee, he would find that that gentleman stated that there might be by a total repeal of the duty some slight increase in the consumption, and that the whole benefit to the consumer would not be, as the hon. Gentleman supposed, some 500 per cent, but that on a calculation that a quart of porter now cost 3½d., the total repeal of the malt duty would lead to a reduction of one-halfpenny in the price. The experiment of taking the duty off malt and of putting a duty on malt had both been tried, and the effect following a reduction of the duty was a diminished consumption, and following an increase of duty was an increased consumption. In 1816 the duty per bushel on malt was 4s. 6d., and the average consumption for the two preceding years was 25,500,000 bushels. In 1816 the duty was reduced to 2s. 6d., and the average consumption of the next two years had fallen off to 22,700,000 bushels. In 1819 the duty was increased from 2s. 6d. to 3s. 7d., and the average consumption of the next two years—which before was under 23,000,000 bushels—had increased to 25,000,000 bushels per annum. The hon. Gentleman seemed to think it was monstrous to suppose that the duty was paid by the consumer of malt and beer; but the Committee of the other House appointed to inquire into the burdens on real property, inquired, among other things, into the repeal of the malt tax, and they came to the conclusion that the duty fell as a general tax on the consumers of the article, which he (the Chancellor of the Exchequer) thought was mainly the truth. But, as consumers, they would be equally benefited by the reduction of the duty on any other article of consumption which entered into their daily food or their daily drink. Then came the question whether this was an article on which the reduction of duty would be most beneficial to them as consumers. Lord Stanley was by no means satisfied that the repeal of the duty was the best form of relief to grant to the consumers, in which opinion he (the Chan-

cellor of the Exchequer) quite concurred. If he showed a good reason for thinking that there would be no considerably increased demand for malt, even if the duty was taken off, it followed that the amount of benefit to the producers of malt from the repeal of the duty could not be very much. He would again refer to the evidence given before that Committee by Mr. Barclay, who was a most experienced witness, and possessed of great sources of information on this subject. That gentleman gave it distinctly as his opinion that he did not think any great effect would be produced by a total repeal of the malt duty. His hon. Friend had quoted the opinion of Mr. Elman as to the great benefit which would arise to the farmer from a repeal of the duty on malt. When this question was brought before the House during the last Session of Parliament, he (the Chancellor of the Exchequer) had sent to him a Sussex paper containing a report of a meeting in that county in favour of agricultural protection, and at that meeting Mr. Elman came forward and moved a resolution. And what was that resolution? Why—

"That this meeting is of opinion that if foreign barley be allowed to be imported, as at present, at a mere nominal duty of 1s., the benefit which the British farmer would otherwise derive from a repeal of the malt tax would be principally enjoyed by the foreign grower."

If, therefore, that authority was good for anything, the repeal of the malt duty, according to Mr. Elman, would do little good to the British farmer; and the next Motion of his (the Chancellor of the Exchequer's) hon. Friend would be to restore the duty on barley. He (the Chancellor of the Exchequer) thought he had shown that no great benefit was likely to arise to the consumers in this country from the total repeal of the malt tax; and it was not probable any great benefit could arise to the producer; and if no great benefit was to arise to any interest whatever, and whilst the benefit at best could only be partial and equivocal, he would ask, was it proper or safe to risk so large an amount of revenue as 5,000,000*l.* per annum, which would be involved in the repeal of the malt tax? It was perfectly impossible that the national faith could be reposed on the national establishments, if this proposed repeal of 5,000,000*l.* of money was carried. The tax in question was a most productive tax; it was mainly paid by the consumer; it was collected rather more

cheaply than any other tax in the country; and it imposed as little inconvenience on the trader as could be imposed with regard to the safety of the revenue; and the House would incur great risk and great danger by sacrificing such an amount of revenue. The benefit of the proposed repeal, where benefit would result, would be slight and partial; and he thought, under those circumstances, he might safely call on the House to concur with him in resisting the Motion of his hon. Friend the Member for the North Riding.

MR. DRUMMOND said, he little thought, when the House remembered the effects produced by the first enactment of the excise laws, that they produced a convulsion scarcely less violent than that which was produced by ship-money—and when they remembered that those laws were continually and repeatedly denounced by Mr. Fox and Mr. Grey in that House during the whole continuance of their opposition—that they should have heard so strong a panegyric pronounced upon them by a Whig Chancellor of the Exchequer. According to him, they seemed to contain every merit that a fiscal machinery could have—facility in collecting the revenue, pressure on nobody, an immense mass of money poured into the Exchequer with little trouble—in short, there seemed not to be a single advantage which those blessed excise laws did not possess. He (Mr. Drummond) did feel so much the impropriety, and he might also add the increasing sense of impropriety, of interfering with the arrangements of the Government, that he should not venture to take the part he was now about to do, without at the same time offering a pledge to the Chancellor of the Exchequer to give him his (Mr. Drummond's) support for any other tax which he pleased to levy. But he (Mr. Drummond) should like to see him muster courage enough to lay a tax upon the Manchester manufacturers. [*Laughter.*] Oh, yes; the Chancellor of the Exchequer was obliged to pay attention to the shakes of heads which he saw there—[*pointing to the benches behind the Treasury Bench*]*—*but he could afford to despise those of the agricultural classes, to whom this question was a matter of quite as vital importance as the repeal of the corn laws. Now, this question was, he believed, the real test of the honesty with which the repeal of those laws was carried. Was it truly on account of the labouring classes—was it indeed in order to give cheap food to the people, or was it

really to get so much cotton manufacture exported? This question brought the House to a test on those points. Now, it had been considered—he did not say argued—but it had been thrown out too much as if this question was connected some way or other with what was called the landed interest. Now, when they looked at the manufacturing interest, there was the merchant who supplied the raw material, the manufacturer who worked it up, and the operative whom it employed. But the interests of those three parties were not at all identical. It was the interest of the merchant to sell his raw material as dear as he could; of the manufacturer to buy it in the cheapest market he could; and it was certainly the interest of the operative to keep his wages as high as he could; and in all those three cases the interests of the parties were wholly different. So it was with the land. If hon. Gentlemen refused to grant this boon because they thought it was a boon to landlords, they were exceedingly mistaken. There were certain persons who, finding this was no boon to the landlords, saw that no good would ensue from the repeal of this tax. He did not advocate it on any such ground whatsoever; he said it was of essential importance to the labouring classes, and it was for their interest he advocated it. In the present circumstances of the country, the only good the House could confer on them was so to cheapen food, that they might be enabled to live for 5s. a week as they had been enabled to live for 10s. In no other way could the House do them any good, or benefit the farmer. No diminution of this taxation would do, or no taking off the tax on beer. For the benefit of the farmers and the labourers they ought to take back the labourers into their houses, to feed them there; and the most important article of food would be good wholesome beer. Now, he very much doubted whether half the Gentlemen in that House knew what beer was. The right hon. Baronet had told the House that there had been a great alteration in the tastes of the people, and stated that people would not take beer now as they formerly did, as they preferred tea and coffee. Upon this subject, however, he would refer to the statements of a few of the witnesses, given in the blue book to which the right hon. Baronet the Chancellor of the Exchequer had referred, as to the quality of the article sold as beer. The first witness, who was evidently praising his article, said,

“We don’t mix it up as many do—as the trade in general do;” the next said, “The beer in the beershops is inferior trash;” a third said, “The beer is generally a muddy, inferior, deleterious article, and cannot afford nourishment to the working man;” a fourth stated, “The owners of the beershops are in the hands of the principal brewers, who supply them with the very worst article;” a fifth informed them, “That the beer made by the owners of beershops is generally bad and intoxicating, and the beer sold in beershops is very indifferent;” again they were told by a sixth, “The beer sold in the beerhouses was worse than that sold in the public-houses”—this witness was a publican. A seventh witness told the Committee, “That if the people could buy their beer as they did their bread and cheese, they could stand a chance of getting it of an improved quality.” That was just what he wanted, that the poor man should be able to obtain his beer just as he could get his bread and cheese, without the intermeddling of the Excise in any manner whatever. Another witness said, “The beer is very inferior indeed. I have heard great complaints of the quality of the beer.” He thought that these statements would account in some degree for the altered taste to which the right hon. Gentleman had referred. But could they wonder that such an alteration of taste should take place, when a brother brewer of that witness to whom the right hon. Baronet had referred, had published to the world the articles of which beer was made. This gentleman stated in his book that it was not beer that they were drinking, nor anything of the sort. The following were a list of the various ingredients from which he said beer was manufactured, among which were treacle, liquorice, coculus indicus, linseed, ginger, dye, cinnamon, blue vitriol, and many other articles. A friend of his had for some years taken great pains to detect many of the impostures and adulterations carried on in this town, and employed one or two persons at considerable expense in procuring and discovering tests of vegetable solutions, of which they at present knew very little. One of the modes adopted by him was that of evaporating the liquid as far as possible, leaving the residue to be dealt with. Upon one occasion he treated some porter in this manner, and having evaporated the liquid was about to proceed in his analysis with the residue. At first he thought he would taste it; but

happening to reflect upon the matter, he thought that that would not do. It happened that his cat was crossing the room at the time, and he gave her a little of the article. How the cat liked it he could not tell, but he knew that in five minutes it was dead. He remembered a short time since, a friend of his, not of course in the county with which he was connected, on one occasion bought some grains of a brewer to feed his pigs upon—various persons also bought some for the same purpose—the pigs were fed upon them, and they all died. Well, now, could they be surprised that the tastes of the people for beer had altered? In fact, except in private houses, there was no such thing as beer to be had. If they chose to buy the “blackening” which was sold in this town, and called beer, they must take the consequences. Unless they could give the labourer facilities for malting and brewing in his own house, they could do nothing for him. It had been said, however, that this question was merely the effect of impulse. Impulse indeed! He had been labouring for years to get the labourer the privilege of drinking his own beer; ever since he had raised his voice in public matters; and he would continue to do so till his point had been gained. He would have a starling taught to speak, and to say nothing but “beer, beer.” He would have an English edition of the *Georgics*, and he would have in it—

“Beer veniente die *beer* decidente canebat.”

Mr. BASS said, he had been engaged as a brewer for the last thirty years, but had not acquired so much information about the manufacture of beer as the hon. Gentleman the Member for West Surrey. If the hon. Gentleman would set up a school for the instruction of brewers, it might become a profitable undertaking. He certainly seemed to know what no brewer in the trade was acquainted with. Were he (Mr. Bass) to stand before the house as the organ of the public brewers of this country, he was sure it would be his duty to endeavour to maintain the present duty upon malt; he was persuaded it would be their interest even to have the duty doubled. He was the last man to advocate any measure which would have the slightest tendency to impair the credit or diminish the resources of the country. He did not think, however, that the repeal of the duty would have that effect. He did not think a substitute was required to the

whole extent of the tax. There was a considerable surplus last year, and he was delighted to find that there was a prospect of a surplus this year also. He was quite satisfied that a large sum of money might be saved by a better system of economy and administration than had hitherto obtained. Although a free-trader, still he sympathised with the condition of the agriculturists, who were at present greatly depressed, and he thought it was the duty of the House, by every legitimate means, to help them out of their difficulties. Propositions, with that object in view, had been made last Session, but no great advantage could result from any of them. One proposition would afford relief to the amount of 6d. or 8d. an acre on the average of land in cultivation throughout the country. That was a boon not worth contending for, but it was his decided opinion that, if they removed the malt tax, there would be an immediate and certain advantage. In the first place, they had a right to consider the quantity of beer that was consumed by the agricultural population. On tillage land the absolute cost in the duties on malt to the landowner and the farmer amounted to six per cent on the rental of the country. But if the duty were repealed, there must be a considerably increased consumption of barley. The right hon. Baronet the Chancellor of the Exchequer had been treating of cases where there had only been reductions or diminutions of duty; and he was willing to admit that they had not, in all instances, been followed by that increase in the consumption which had been looked for. But were they to try the effect of a total abolition of the malt duty, he was sure it would result in a great increase both in the quantity of barley grown and the quantity consumed; and that that would be followed by a certain advance in the price of barley. He thought that advance would be about 4s. a quarter, which, calculating the quantity of ground at the rate of five quarters to the acre, would give to the barley grower the advantage of an increased price to the extent of 20s. per acre on all land under barley cultivation. He did not think that that was a very exaggerated calculation. With respect to the case of the consumer, he had looked with some care to that part of the subject, and he was of opinion that the very least reduction to the consumer would be from thirty to thirty-five per cent. It should be remembered, too, that the trade of the brewers, as now conducted, was in the

hands of very large capitalists, and that all restrictions on any trade gave very decided advantages to the capitalists in whose hands it might be. If, then, they were to remove this duty, it would create a great competition—a competition would lead to the advantage of the consumer to the extent to which he had just referred. The hon. Gentleman opposite, the Member for West Surrey, had insisted on the claim of the labouring classes in regard to this question; and he (Mr. Bass) had the greatest pleasure in agreeing with him that it was the duty of that House to give to the labourers of this country a more ready access to their favourite beverage; for he never would believe that, if the consumption of beer were not impeded, they would resort, as they now were obliged to do, to many of those articles that did them no good, and drink quantities of slipshod tea, instead of good wholesome beer. The right hon. Gentleman the Chancellor of the Exchequer had said that the consumption of beer had not increased in proportion to the reduction of the duty; but he had not laid before them the results in any case in which there had been a total repeal of the duty. Let him (Mr. Bass) remind the House, however, that when the duty on salt was abolished, the consumption very shortly increased from 2,000,000 to 7,500,000 bushels, and that increase had now mounted up to more than 13,000,000 of bushels. Now he considered it to be quite impossible that somewhat similar results would not arise from a reduction of the duty on malt. He thought, however, that it was the duty of that House to make the trial, and he was of opinion that substitutes might be found for any loss to the revenue that it might be supposed would accrue to the revenue from such reduction. With respect to the other portion of the proposition of the hon. Member for the North Riding, he agreed with those who thought that this question could not be properly tried without reverting to the total abolition of the duty. But let them, at all events, begin by trying the reduction of one-half of the duty; and he was sure that, looking to the great reductions which had taken place in the price of barley, the great brewers of this country would feel it their duty to concur in the reduction of the tax, though they might not agree to the total repeal of it. If, then, the House should refuse to adopt the Motion then before it, he should feel it to be his duty to submit to it a proposition for the reduction of the malt tax by one-

half. They had been taught by the great statesman whose loss they so deeply deplored, that mere loss of a duty was not, necessarily, loss of revenue. This had been evident in the case of the reduction of the duties on brandy, since which the revenue on brandy had increased 20 per cent; and as he was distinctly and clearly of opinion that it was most desirable for the country generally—that it was desirable for the landed interest in its present hour of depression—and that it was desirable with reference to the labouring classes that this duty should be repealed, he should give his vote in favour of the Motion.

Mr. M. GIBSON said, there was much force in the observations of his hon. Friend as to the mischievous effects produced by the malt tax, especially by giving a monopoly to large capitalists. But the question with him was, whether at that moment he was bound to vote for the total repeal of that tax; whether, after the House had decided what should be the expenditure of the country, he could conscientiously vote for the remission of something like 5,000,000*l.* a year. The hon. Member for North Lincolnshire had claimed the vote of the hon. Member for the West Riding, and had read an extract from a letter of his hon. Friend, in which he stated, as it would appear, his opposition to the malt tax, and his willingness to support a Motion for its repeal. But the hon. Gentleman did not read the whole of the statement in question. His hon. Friend had never proposed, irrespective of the reduction of expenditure, and of other financial considerations, an unconditional repeal of the malt tax. His hon. Friend proposed to prepare the way for the repeal of the malt tax, as well as of other taxes pressing on the productive industry of the country, by the only practicable mode through which the object could be effected—namely, a large and bold reduction of expenditure. But, seeing that the House was determined, as it would seem, to maintain the public establishments on a scale quite inconsistent with the large reduction of taxation now proposed, he, for one, could not support the Motion. Hon. Gentlemen opposite must recollect that they had brought these taxes upon themselves by the systematic mode in which they had in times past supported a profuse expenditure on the part of the Government; and nothing but the retracing of their steps, and the putting the establishments on a far more economical footing, could enable

the House to deal with this large item of taxation. The hon. Member for West Surrey advised the Chancellor of the Exchequer to screw up his courage to take off the malt tax, and to throw the burden on the Manchester manufacturers. Now he (Mr. M. Gibson) begged that the right hon. Gentleman would do no such thing. He did not want the repeal of the malt tax, and the substitution for it of some new tax, perhaps equally objectionable; what he wanted was to have the expenditure reduced, so that both the manufacturing and the agricultural interest might be relieved from many of the excise duties which now pressed upon them. Besides, there was such a thing as having a preference with regard to taxes for repeal. He had recently presented himself to the House in the character of a tax repealer, proposing a remission of duty far more moderate in amount than that which was then asked for; and he maintained that it would be better first to repeal the taxes on knowledge rather than those on drink. He admitted that good wholesome beer was a very excellent beverage, but he considered that the spread of knowledge amongst the community was a matter far more pressing and far more important with reference to the welfare of the country. It was his intention again to ask the House to repeal those taxes; and, under such circumstances, he could not vote for the Motion.

MR. SPOONER was sure that the House would agree with him in returning thanks to the hon. Member for Derby for the very useful information which he had furnished them with. He had evinced a thorough knowledge of the real state of the question, and had shown his extreme honesty in his manly declaration. By the hon. Member's statement, one of the first witnesses of the Chancellor of the Exchequer was put out of court. The hon. Member informed the House that the brewers would willingly consent to double the tax rather than to abolish it. But at the same time he declared that he himself was ready and willing to give up his own interest for the purpose of advancing the interests of the public. By the repeal of the tax, the right hon. Gentleman the Chancellor of the Exchequer said that if we got rid of this tax we should not increase the consumption; and he quoted the year 1815, when there was a reduction of the duty upon malt, to show that such increase did not take place in the years 1816 or 1817; but that, on the contrary, the consumption of it was dimin-

ished. Did, however, the right hon. Gentleman recollect the incidents of those years? Did he recollect, that in 1816 we had a very wet harvest, and the barley was good for nothing? That the year 1817 was a failing crop, and the price of barley rose? The increased price of barley counterbalanced the reduction of the duty? Did he recollect the bad harvest of 1821? Did he recollect the panic of 1825, which threw the whole commercial world into a state of great distress, and the people out of employment? Let the hon. Gentleman take the average of his ten years, or the choice of his two years, and go minutely into the facts, he could not prove that the lowering of the price did not increase consumption. He would ask the right hon. Gentleman if he were prepared to come to this conclusion, that the lowering of the price of any article does not increase the consumption of it? If the right hon. Gentleman held the opinion that no such result would be adduced, then let him defend his free-trade doctrines if he could. Why did the right hon. Gentleman consent to take the duties off so many articles, if he did not think that by so doing the consumption of them would be increased? What will become of his free-trade arguments if he says now that, by lowering the price as much as we pleased, there would be no increase in the consumption of the article? If free trade was well founded, it must be on the principle that by decreasing duties we increased consumption. If it was not so founded, then the right hon. Gentleman could not justify the great injury that he had done to the agricultural interest. Then the right hon. Gentleman said, look to the increase of the consumption of tea: although the duty had not been reduced, while the duty on malt had been reduced, yet there had been no increase of consumption of that article. Did the right hon. Gentleman forget that in 1834 the China trade was thrown open? The effect this had on the price of tea was very great. It induced immense speculations in China, and tea was brought in such quantities into this country that the owners of it could hardly get sale for it except at very low prices. Did the right hon. Gentleman think them so blind or so stupid that they could not see through these arguments? Did the right hon. Gentleman mean to say there was not an immense mass of the working classes of this country that could not get beer because of the high price of malt? For-

merly the farmers gave their labourers beer; but they did no such thing now; they got their labour at the lowest price, and, from the necessity of the times, let their men drink at the pump instead of going to the cellar; and if they told him that the House of Commons was justified in allowing that state of things, let them not talk to him of their consideration for the poor. He could not conceive why the Chancellor of the Exchequer should have spoken as he had done, except that he had addressed himself to a thin House, and had calculated upon "a count out." A little had been said of the use of malt for feeding cattle, and reference was made to a report on the subject; but that report did not come from practical men. Instead of practical men they had sent out two theorists, and who, to show that barley and malt were not beneficial in the feeding of cattle, had taken two cows, in the month of June, out of a rich pasture, and tied them up by the neck, and then gave them dry barley and dry malt. If, however, these parties had taken the trouble to go into some milkhouses in this town, and see the condition of the cattle kept there, they would have found, that by giving them a due proportion of grains and other food they gave abundance of milk, and got fat. If the use of grains was so beneficial, what would be the effect of using malt? He presumed that the persons from whom this report emanated were very choice professors, and made great calculations, and were wonderful theorists; but he preferred the opinion of one practical man to the notions of a hundred professors. He would wish now to say one word to the free-traders. The House had heard much from them of the necessity of taking off all excise duties from manufactures. Well, he referred them to the report before quoted, which showed that this tax stopped the manufacturer of malt from making a proper and profitable use of his own barley. They had, by their experiments in Edinburgh, shown that by the use of dry unmalted barley, good beer could be made. In a short time, all beer in that city was made from raw grain; but the Government compelled the brewers to desist. They not only laid a tax upon malt, but compelled the brewers to use it. How could they justify that on the principles of free trade? Why were they, he asked, to have a tax which interfered with the growth of barley? Why not allow a man to use that which was his

own commodity in such manner and in such way as was most beneficial to himself? Why prevent him from having the use of the raw material which he grew himself? Upon principle, he said, the free-traders were bound to vote in favour of this Motion. The hon. Member for the North Riding had shown the gross injustice of this case. He had shown that there was no other class upon whom a tax was placed when they used articles of their own growth for the purpose of manufactures. His hon. Friend had made out a case of crying injustice. He had proved that the tax was an incentive to immorality; that through its means the miserable labourer was driven for refuge into the public-houses, and that at last he become a frequenter of them to the injury of his family. He would ask the House to return to the good old times, when the farmer made his beer in his own house, and his men could find comfort in their own cottages. And if they would not take off the whole tax upon malt, at least permit the grower of barley to have the use of it in his own place and for his own benefit free from tax. It had been said, that the farmer can now steep barley; and that steeped barley is as good food for cattle as malt: that is altogether a mistake, as every practical man knew. Nothing is so important in fattening cattle as that they should be regularly fed—this can only be done by having a constant supply of food in a proper state. Steeped barley cannot be kept in that state; it is only by drying the barley that this can be done; and by the excise laws, the duty attached to barley so dried. Before he had a seat in that House, he had regarded the malt tax as a most oppressive and a most unjust tax, as one that could not be justified; and, therefore, one with respect to which he was determined to use all the means in his power to get rid of. The right hon. Gentleman (Mr. Gibson) had insinuated that they who advocated the repeal of this tax were heedless of the public credit. It was rather singular to hear such an intimation coming from the ranks of free trade, from those who had taken off 9,000,000*l.* from the customs which the foreigner used to pay. They had taken these taxes off in the customs, whilst they left the excise on. He appealed to the hon. Member for Wakefield, and to every practical man in that House, to bear him out in the statement, that the

effect of imposing the duty on foreign corn here was to lower it abroad; and that in most cases it rose in price abroad as they took off the duty here. Thus they had thrown away from 8,000,000*l.* to 9,000,000*l.*; they had taken this from the customs; they had given so much to foreigners, and they left at the same time an unjust tax on their home produce. He would not longer take up the time of the House in exposing the fallacies of the right hon. Gentleman the Chancellor of the Exchequer, but would cordially give his assent to the Motion of the hon. Member for the North Riding.

MR. HEYWORTH was rejoiced to hear so much valuable information as had that night come from the opposite side of the House; and he was ready to join in the declaration, that to remove not only the tax on malt, but on every article of consumption, was the true way to promote the prosperity of the country. He was sorry, however, that he could not give his vote in favour of the Motion, because they had already agreed to an enormous expenditure, which must be met, and because no substitute had been proposed by which so large a sum as 5,000,000*l.*, derived from the malt tax, could be made up.

MR. PACKE, seeing that in the present deplorable state of agriculture the repeal of the malt tax was a subject of general interest among farmers, could not give a silent vote on that occasion. He should like to hear something said as to the probability or otherwise of a free importation of malt being hereafter permitted from abroad. The farmers generally, he believed, were not aware that malt could not be imported at all; and when it was proposed to repeal the malt tax, he should like to hear a declaration that it would not be followed by an importation of that grain duty free. There was a difficulty in importing barley, as it was apt to be injured on the way; but there would be no difficulty in importing malt; and his belief was, that if, the moment this tax was taken off, the House was to allow malt to come in duty free, the farmers would be undersold to such a degree, that not a grain of barley would be grown in this country but for the pigs and poultry. If allowed to come in duty free from abroad, malt would be sold at 2*s.* 6*d.* to 3*s.* a bushel, and, instead of being beneficial to the farmers, the change would be the reverse. He would be the first to repeal any tax that would relieve the agricultural interest; and his

belief was, that in the absence of protection, the best thing would be a relief from local burdens. Taking all circumstances into consideration, he could not vote for the Motion of the hon. Member for the North Riding of Yorkshire.

MR. T. L. HODGES said, that frequent allusions had been made that night to a memorable discussion on this question some years ago, when a Motion for the repeal of the malt tax was carried. He was one of the majority on that occasion, and if the state of the Exchequer now had been similar to what it was then, he should to-night have given a similar vote. But at the former period there was a considerable surplus at the disposal of the Government, and as they at that time had been taking off many of the taxes which pressed on the trading and manufacturing classes, he thought that the landed interest ought to be relieved of the malt tax. At present there was no such balance in the Exchequer to justify him giving a similar vote to that which he then gave; and he was bound to consider how the deficiency that would be created by a repeal of the malt duty could be supplied. It could only be supplied by a great extension of the property tax, and as that would press upon many small farmers now exempted from it, he was not prepared to inflict a certain burden on them, for any uncertain benefit that might result to them by a repeal of the malt duty. Much had been said as to the condition of the labourer in connexion with this question. He remembered the time when there was no sort of agricultural labourer who did not brew his own beer; but the taxation on malt had put an end to that. That taxation had been caused by the wars in which the country was then engaged; and it ought not to be forgotten that the representatives of the agricultural interest had been the great supporters of that war. There were other taxes which affected the labourer as much as the malt tax, so far as his beer was concerned, and which he thought ought at the earliest opportunity to be repealed—he alluded to the duty on hops. Whenever circumstances were favourable, he should certainly vote for a repeal of the malt duty.

MR. K. SEYMER said, that protection and free trade had been spoken of as if opposed to each other; but it appeared to him that the contest was between free trade and fettered trade. It was absurd to talk about free trade in a country where

the revenue could not be raised without excise duties. With regard to the malt tax it might be said, that its repeal would not benefit some classes of farmers, especially the dairy farmers; but there was still protection for dairy produce. The climate of this country was adapted for dairy produce rather than for the growth of wheat. Some able writers on agriculture would not place this country in the list of corn-growing countries. If this was the case under a system of free importation, they could only obtain certain prices. It must happen, therefore, if they had not peculiar advantages in the production of an article, those who persisted in producing it, when exposed to the cheap produce in foreign countries, must be brought into a state of difficulty. Under such circumstances, they must reduce the growth of wheat. He was not an advocate for low farming, but was anxious that the land should be as highly cultivated as possible. It had been said if, by improved cultivation, the farmers could produce double the quantity of grain, they would not be worse off with wheat at 30s. a quarter than when they produced it in the old state of things, and sold it at 60s. It was clear that they could not obtain double the produce by any improvements, unless under circumstances of peculiar advantage; and even then there must be a large outlay of capital. The advocates of the repeal of the malt tax said, with the repeal of that duty they could profitably produce barley on land where they now grew wheat; and also that they would be enabled to make malt of an inferior kind of barley if the excise restrictions were got rid of. The farmers were themselves very great consumers of malt in making beer for their labourers; and some of them, to his knowledge, expended as much as 60*l.* or 70*l.* a year in that article. He might be told that it would be better to pay their labourers in money than in kind: this was a practice which had existed for a very long period in many parts of the country, and more particularly in that part with which he was connected; and it would be very difficult to alter the system. If an attempt was made to change the practice, the farmers would find that they were obliged, in harvest time more particularly, to give beer to their labourers, as they had been so long accustomed to receive it. He did not believe that the farmers would go back to the good old system of keeping their labourers in their farm-houses, as such

changes of habits had occurred. He knew in his district the agricultural labourers at their meals drank water, or a miserable concoction which they called tea; and their notion of beer appeared to be a jollification in the beershop. He believed the greatest good would result from making beer the constant beverage of the working classes. He would put an end to beershops, and allow beer to be sold in shops, like bread and cheese, but not to be consumed on the premises. Improve the habits and dwellings of the poorer classes, and it would be soon found, when their condition was ameliorated, that you could not make the beer too cheap. For his own part, he did not believe the labouring man could get through his work without beer. In those very able letters which had been published in the *Morning Chronicle*, on the condition of the labouring classes, it was clearly shown that the labouring classes could not do their work in a satisfactory manner without a proper allowance of beer. The writers of all those letters clearly showed that all these classes required this wholesome beverage. Large numbers of women also required beer as well as the men, and regarded it as almost a necessary of life. He denied that beer was no longer the habitual beverage of this country; for he believed the consumption of pale ale and Guinness's beer was as common now as it ever was. In a daily paper there had been some powerful articles written in favour of a reduction in the price of beer; but he was convinced they would try in vain to reduce the price of beer until they took off the malt tax. It was notorious that the continuance of this tax had created a monopoly in the hands of a small number of brewers; and they were told that such a monopoly made the trade more respectable. According to this view of the subject, a man was not to be regarded as respectable for being a good citizen or a good father and husband, but only if he possessed a certain amount of wealth, and nothing more. The right hon. Baronet the Chancellor of the Exchequer said that he could not spare this amount of revenue. No doubt of that; but this Motion ought not to be considered as a party attack from that (the Opposition) side of the House; for the noble Lord, who was generally recognised as the leader of the Conservative party, expressed himself as being hostile to the repeal of the malt tax, and the present Motion emanated from an independent Member—the representative of the North

Riding of Yorkshire—who generally supported the Government. For his own part, he (Mr. Seymour) should never abstain from voting for a Motion in consequence of being told that its success would be injurious to Her Majesty's Ministers; for things should not be in such a condition that they must look every day for a Ministerial crisis. Some friends of his out of doors had said, if they took off the malt tax, the Chancellor of the Exchequer would impose some other taxes on the soil. His reply was, that it would be the duty of that House to see that the Chancellor of the Exchequer did not impose a tax which pressed unjustly and unfairly on the cultivators of the soil. It had been asserted that the adoption of this resolution would be injurious to the public credit. He thought that it was one of the best symptoms in this country that no attempts had been made to injure the public credit; he would never be a party to such a proceeding, and for the purpose of upholding that credit he would support the imposition of any tax which would not unfairly press on the agricultural interest. While he said this, he felt that great savings might be made in the public expenditure. He hoped the House would soon have an opportunity of reconsidering its decision as to the maintenance of the African squadron, with the view of striking off that enormous item in the Navy estimates. The Government might also diminish, without calling for the interference of that House, the salaries of some of the diplomatic officers abroad, who now received exorbitant sums. He was not so absurd as to suppose that by such reductions they could at once afford to give up the amount of revenue received from the malt tax; but much might be done by means of economy, and the remaining deficiency might be made up by the imposition of a tax which was not oppressive and unjust in its character. As he saw the hon. Member for Montrose in his place, he would remind him of an opinion which he delivered in 1834, respecting this tax. The hon. Gentleman then said, "If the malt tax were taken off, the agriculturist must consent to a plan for the free importation of grain." They had now the reverse of that; and he called upon the hon. Member and the other free-traders to vote for this Motion. He believed, by refusing to relieve those classes who were now in such a distressed condition, they were pursuing that course which was most likely to endanger public credit. He did not mean to say that the farmers would refuse to

pay taxes, as they were a loyal body, although they might make use of strong language at their meetings, but they would soon be reduced to such a condition that they would be unable to pay taxes.

MR. J. WILSON said, he hoped to be permitted to make a few observations in reply to the hon. Member for Dorsetshire. He could not accept the meaning which that hon. Gentleman attached to the phrase "free-trader," as in connexion with the resolution before the House. He was quite willing to admit, in general terms, that restrictions arose on the consumption of an article by the imposition of an excise duty, as in the case of the malt tax—and so far it was objectionable. The only meaning of free trade was not such as had been described by several hon. Gentlemen opposite, but it was that no duties should be levied for the purposes of protection, and that the produce of all taxes imposed should go to increase the revenue of the country, instead of any portion being allowed to be devoted to the pockets of any class. The hon. Gentleman who spoke last placed the issue in a fair form. He asked the House to repeal the malt tax as a compensation for protection. The question before the House that evening was, whether this duty was a tax on the producer, or a tax on the consumer. He was willing to admit that, so far as there was a restriction on the consumption of the article, it militated against consumption; because there was no doubt that the consumption of malt, as of tea, or any other article, was lessened by the large duty to which it was subject. But, on the other hand, he should be allowed to ask what there was in the article of malt, more than any other exciseable article, that the Government should be called upon to yield up a revenue of five millions annually derived from that single article? Whilst he admitted that the malt tax did act in a manner prejudicial to farmers—as did all taxes, more or less—yet it still could be contended that, with regard to the malt tax, the prejudicial effect on land was not so much as it is in the case of many other articles now subject to high taxes; and for this reason, that at the present moment this country did not supply all the agricultural produce it consumed; and the very fact of this tax being repealed, would only lead to further importations from abroad. It had been argued that the repeal of the malt tax would be beneficial, as more encouragement must follow to the growth of barley, which proved a more profitable crop

than wheat. But he could not suppose, as had been alleged by his hon. Friend the Member for the North Riding, that the removal of this tax would tend to an increase in the consumption of barley to the extent of 10,000,000 quarters a year; if it should lead to this result, it was clear that that amount of produce could not be raised in this country. The hon. Gentleman said, that it would be more profitable, after the repeal of the malt tax, for farmers to grow barley instead of wheat. His hon. Friend had proved too much by this admission, for not only was the importation of foreign wheat very large, but last year the quantity of barley imported was not less than a million and a half of quarters. [An Hon. MEMBER: The great portion of that barley was not fit for malt, as it was of such inferior quality.] He admitted this might be the case; but if there was an increased demand for barley, the great portion of it would be imported. The hon. Gentleman who opened the debate, and several hon. Members who succeeded him, compared the malt tax with the tax which formerly existed on cotton prints. It should be remembered that the larger portion of the cotton goods were exported, and a drawback was allowed. The hon. Gentleman also complained that the manufacturer should be allowed a drawback of half the duty which was paid on soap; but he should have recollected when they exported beer, a drawback was allowed to the extent of the duty on the malt and hops used in its production. Hon. Gentlemen opposite said we had lately introduced a new system of policy; the corn laws had been repealed; and, therefore, they came forward under entirely new circumstances to demand the repeal of the malt tax. Now, supposing this principle to be admitted, where were they to stop in its application? The West Indian colonists told us that their sugar trade had been injured by the free-trade system, and they demanded to be treated, with regard to their produce, like an integral part of the empire. [Cheers.] Did hon. Gentlemen who cheered see where their principle would land them? It would go to the repeal of the whole of our custom-house duties. [Cheers.] Were Gentlemen opposite ready then to give up the customs duties entirely? Why, the hon. Member for North Warwickshire had pointed to an increase of the customs duties alone as the means of making up the deficiency that would be occasioned by the repeal of the malt tax. And what did that amount to? Why, simply that they were going to tax a man's beer in order to retax his bread. If they were to comply with the advices and suggestions of hon. Gentlemen as to the abolition of taxes, he doubted not Her Majesty's Ministers would find themselves before long bereaved of some thirty millions of income. He was prepared to show that the malt tax, though heavy, was by no means so heavy as the taxes imposed on a great many articles equally as essential to the comfort of the working classes. Malt paid 57 per cent on its value, or 100 per cent on the price of raw barley; and, in speaking of the other articles, he spoke of them in the stage in which they reached the consumer. Coffee paid 100 per cent; British spirits, 333 per cent; tea, 200 per cent; and tobacco, as much as 1,200 per cent. Where was the claim of hon. Gentlemen to repeal the taxes on these articles? The hon. Gentleman who opened the debate dwelt much on the great and increased consumption of tea after the duty on it had been diminished; but he begged to ask the hon. Gentleman if a further reduction of the duty on tea, and such like articles, would not be more beneficial to the working classes than a reduction or abolition of the duty on malt? The hon. Gentleman also asserted that the tax was a consumer's tax. He (Mr. Wilson) did not deny that it was peculiarly a consumer's question, and that the House never could be engaged in a better or in a more useful duty than in reducing in every possible way whatever tax pressed heavily on the great mass of consumers in the country. Whilst admitting that, he should also declare that the House could not be charged with indifference as regarded those classes, when it was recollected the amount of taxation that had of late been abolished on various articles of luxury as well as necessity, and when hon. Gentlemen opposite, to their credit, submitted to the weight of a property tax, in order to make good the deficiency that would otherwise have occurred in the revenue of the country, by the repeal of many direct taxes which pressed on the trade and industry of the country. He thought it was impossible to look at such a Motion as the present, made at that period of the Session, without recurring to the words of a great statesman, made on a similar occasion, when he asked "whether they would maintain public honour, or were prepared for a suspension of cash payments and a breach of the national engagements?" ["No, no!"] Gentlemen said "No," but they must either

reduce the expenditure five millions, or increase the revenue by some new tax, if they, while persisting in the present proposal, wished to preserve the national honour. They must not consider that the labouring classes of the country were uninterested in the struggle. Some persons asserted that the working classes were merely taxpayers, and had no interest in the maintenance of the public credit. He denied that altogether. No classes were more interested in the maintenance of public faith, than those who lived by trade and industry, because public credit and private confidence were very closely allied. On all these grounds he thought that the House would act injudiciously if it consented to the Motion.

MR. DISRAELI: I cannot, Sir, give a silent vote on this important question, more particularly as I have been so pointedly alluded to by the Chancellor of the Exchequer. I cannot discuss the proposition before us to-night—to repeal the malt tax—without taking into consideration the state of the agricultural classes of this country, inasmuch as barley is one of the principal articles of the produce of those classes. I do not suppose that any person here present will deny that the condition of the agricultural classes is one of great depression. I see Gentlemen opposite, of great authority, who have admitted that not only is that condition one of great depression, but that it is a condition of unexpected depression. We on this side of the House were prepared for this result of that legislation which a majority of the House of Commons decided should occur, and therefore great and grievous as it has been, it is not on this side of the House unexpected. But the difference between the two sides on this subject is, that while both agree that the depression is great, it is only on that side where the Government sit, it is acknowledged to be unexpected. Under these circumstances, we have a right to ask from the Government a clear and succinct view of what they think will be the future condition of the agricultural interest. We know that it is one of great distress; we predicted it, and we are prepared to attempt, if we have the opportunity, some remedy; but you denied that that distress would occur, while so great is its reality and its severity that you are obliged to acknowledge it; and almost on the very first day of the Session you attempted to cheer and solace the agricul-

tural interest by predicting and promising that it was transient, and would quickly pass away. Early in the Session the same Minister who has addressed us to-night (the Chancellor of the Exchequer) acknowledged frankly that he was surprised at the distress in which the agricultural interests were plunged. He gave it as the opinion of the Cabinet half a year ago that the great depression of prices, while it astonished the Cabinet, was, in their belief, one of momentary character. Recently, on another occasion, we were assured by the same Minister that prices would rally, and that that severity of distress which all acknowledged, would rapidly pass away. Another and another month has elapsed; we are now approaching the end of the Session, and we all acknowledge that, not only does the distress remain, but that its severity is increasing. Of those who represent more peculiarly the agricultural classes in this House, several hon. Members have sought their relief. Early in the Session, I had the honour of proposing a measure of a remedial character to the consideration of the House. Some Gentlemen, no doubt, conscientiously believed that, if carried, it would not have produced the good effects we anticipated; but all must acknowledge that a great party in this House were not of that opinion, and that several who supported the Motion are on the Ministerial benches. At any rate, it was lost only by a bare majority in one of the fullest Houses of this Session. The character of that Motion could not be said to be extravagant, unreasonable, or intemperate; and indeed the Minister who opposed it, did so on the ground that, as a measure of relief, it was too insignificant to meet losses of such a magnitude. At a subsequent period, a Gentleman sitting on the opposite side of the House came forward with another measure for the remedy of the acknowledged agricultural distress. In the one case a practical measure, the object of which was to reduce the peculiar burdens upon agriculture, was proposed, and you rejected it. In the next instance you were asked to agree to a Motion, the acknowledged tendency of which was to impose moderate duties on foreign agricultural produce, and you rejected that by a large majority. All the time, however, the House universally acknowledged the distress of the agricultural classes produced by their own legislation, and the Government expressed its dismay at the

continuance of that distress, but announced on every occasion that it was of a temporary, transient, and occasional character. We are now invited to discuss another proposition made again by a Whig Gentleman, the tendency of which is again to relieve the sufferings of those classes; and I cannot consider it upon its mere merits or demerits, but I feel called upon irresistibly to look at it in reference to the condition of the classes whose fortunes it is calculated to influence. After the speech of the hon. Member for Westbury, I must take a general view of our sources of revenue. The revenue of the country is levied in three ways:—1st, by a duty on imports; 2ndly, by a system of inland taxation; and, 3rdly, by a plan of local contribution. There is not a single article of our imports which can come into competition with our home agricultural productions which is not at this moment, generally speaking, admitted duty free. With respect to the second branch, our inland taxation, a great portion, and, I might say, the greater portion, is directly contributed by the land or its productions. With regard to the third branch, our local taxation, the whole of it is raised from the land or its adjuncts. I ask the House if this system can go on much longer? I ask the House, is it possible this system can be much longer endured—whether it will be in the power of those who contribute these great sums much longer to supply them? I ask, how can they be expected to endure the effects of our modern legislation, when its characteristic is by the same machinery to diminish the means while it increases the burdens of those who contribute to the revenue? This cannot long continue, and I must therefore consider this question with reference to your recent legislation and the suffering condition of the agricultural classes. It brings us to this point. This House and the country must decide on the principle by which the revenue in futuro is to be raised. I am at a loss to understand the reasoning of the hon. Member for Westbury. I think he must have mistaken a cheer to have come from this side of the House instead of from his own, and founded upon it an argument which leads to inferences exactly the reverse of those his side of the House would have wished. The point upon which the people of the united kingdom must speedily decide is, whether the burden of the public taxes

shall be raised externally or internally. It is a controverted position whether the foreigner pays any portion of a customs duty; but I hardly think any Gentleman will maintain the thesis that the foreigner pays an excise duty, or any portion of it. I therefore maintain, in considering the financial system of this country, we should adopt, as the principle of all our ameliorations, the reduction of excise, and not of customs. The hon. Member for Westbury illustrated his fallacious argument by drawing an illustration from the condition of the colonies. I did not think in this debate to have to refer to the condition of the colonies; but if I wished for any argument more powerful than another to urge upon the House as an objection to our system of inland taxation, I would adduce them from the condition of our colonies. For, if there be any object which more than another ought to engage the attention of the statesmen of this country, it is the necessity of consolidating our colonial empire. If we wish to maintain our political power, or our commercial wealth, we can only secure those great results by the consolidation of our colonial empire. I will not advert to the political means by which such a consolidation might be maintained. I will not enter into the difficult but important consideration, whether the colonies ought or ought not to be represented in this House—although these are questions which we ought not to discard from our minds—but looking only to the commercial and fiscal part of the subject, I cannot understand by what means in the present day, following the current of our recent legislation, that consolidation can take place unless we can reduce into a fact a phrase which political economists are so fond of using, namely, that our colonies should be placed on the same footing as the counties of England. Now, let me ask the House when this claim has been made on behalf of the colonies, what has been the objection? It has always been met by the plea that it is impossible the colonies can be on the same footing as our English counties, because they do not bear their share of the excise duties. But in attempting the great commercial and fiscal reforms which have gone on for the last six or seven years, if you had directed your attention to the Excise, instead of the Customs, you would have increased the means of the people to provide themselves with articles of consumption, and diminished in an equal de-

gree the burdens of the people, while at the same time we should have destroyed the great barrier to that consolidation of our colonial empire; and while we relieved and employed our people, we should have increased the imperial strength of this still, I hope, great empire. With these feelings I cannot allow this question to be decided by arguments urged by the Chancellor of the Exchequer with reference to the state of the revenue. Whatever may be the state of the revenue, the Chancellor of the Exchequer is responsible for that. If the resources of the Exchequer are diminished, the Government alone are answerable for it. I must impress upon the House the dangerous fallacy of the revenue being an index to the national prosperity. The true index of national prosperity is the condition of the people. I can never admit the state of the revenue as an infallible, as the only test, or indeed as the principal test of the prosperity of the country. Nobody, surely, will say in sober seriousness that, because we may reduce the revenue, by taking off a tax producing 4,000,000*l.* or 5,000,000*l.*, that the public credit is in danger. If so, public credit is in a perilous state at this moment. This is not, it is said, a party question. I believe no truer statement was ever made. There is hardly one Member on this side of the House conscious of the opinion I am about to express. But I express it because I could not give a silent vote upon a question of such magnitude, and particularly after the Chancellor of the Exchequer had so particularly referred to me; but I feel that I cannot give this vote without reference to the future. This is a vote which no Gentleman can give without being prepared to state all the circumstances to vindicate the course he is taking, and I wish to put my vote upon a clear and definite footing. If you are prepared to do justice to the land of the united kingdom, then the landed interest will take into consideration what degree of sacrifice it may make for the common good. But when you pursue a course which, according to your own confession, not only grievously injures that great interest, but which you nightly admit to us occasioned you the greatest astonishment—as long as you admit that the interest in this country with which the welfare of millions is connected is in a state of suffering occasioned by laws which you have supported, but the effects of which are exactly the reverse of what you anticipated—as long as this state of

affairs continues, and you will offer, or can offer, no relief, although the calamity is one which you admit cannot be exaggerated, then I say you force the Opposition to support measures of relief, in which, if you offered measures of relief, we might not otherwise concur. What is the condition of the greatest interest in this country? It is in a state of suffering unexampled in history. We have before had great agricultural distress, and great manufacturing distress, but never has there been an instance before of a distress of such great magnitude being of so long a continuance, and which, while the Ministry admit its severity, they declare their inability to relieve. Is the Government surprised, then, that, on two occasions, two of their own supporters—two county Members sitting on the Whig benches—should have taken the opportunity of suggesting remedies? They cannot complain of the Opposition supporting the propositions of those Gentlemen. If the Prime Minister had come forward and said, “As this distress—which we acknowledge—is so much greater than we expected, we will take it into our consideration whether we can suggest measures for its relief; but do not cripple us by a hasty and violent decision”—that appeal would have been listened to, I venture to say, with respect and attention. But what is the position in which we are placed? Parliament has now sat for six months. You assert yourselves that you had knowledge of the distress of the agricultural classes. It was amply acknowledged, you say, in the Speech from the Throne. We consider that it was not sufficiently acknowledged in that Speech. But you say that the fact was so important, and so patent, that it was not only acknowledged in the Speech from the Throne, but in a manner intended to exhibit the importance of the fact, and the great sympathy of the Government. Six months have, however, passed—the distress is even aggravated—and the Government have not taken one single step to alleviate that distress. If the Ministry had been formed of Gentlemen of the Manchester school, this conduct would have been consistent—we might have opposed their policy, but we must at least have respected their consistency. The Gentlemen of the Manchester school approve of the legislation which, by universal admission, has produced this distress. [“No, no!”] Well, then, give me some other satisfactory reason for it. You

have told us that the circumstances were unexampled, yet you have not denied that the importation of foreign agricultural produce has produced them. Some of you have argued that this unexampled state of things was dependent upon an importation which would not continue; but no one has argued yet that the importation has not produced the result. But if we had to face a real free-trade Ministry, formed by the hon. Member for the West Riding, I could understand the policy pursued by the Government. If we came forward to complain of the depression of those classes which we more particularly represent, they might then have replied, "Yes; but what you call depression we consider prosperity." If we came forward to complain of low prices, they might say that in those low prices they recognised the source of general content. But we face a Ministry who, while they acknowledge our distress and deplore it, refuse us any relief, and answer only with vague assurances that higher prices are coming. And when at the end of the Session we announce that it is impossible for us any longer to keep silence on the subject, they are ready to assure us that if we wait a little longer we shall obtain what we desire, and that which, according to the theory which they support, is a cause of prosperity in the country will cease, and no longer occasion that good fortune which we were assured it would accomplish. We want to know, at the end of the Session, when we are going back to our constituents—we want to know from the lips of the noble Lord at the head of the Government what we are authorised to say to them. We want to be enabled to tell them at what point Her Majesty's Ministers consider that cheapness begins to be a curse. Because if we are enabled to tell them that the Ministry, consistent with the principles upon which they say their Government is founded, acknowledge that cheapness is the only object which any Government of this country ought to attempt to realise—that they are prepared for wheat at 20s. a quarter—that half-a-crown a bushel for wheat they recognise as an additional evidence of our increasing national prosperity—then our constituents will be able to comprehend their position even if it be a position of despair. But if myself and my hon. Friends are in this awkward and embarrassing position when we meet our suffering constituents, that we have only to tell them we have repeatedly

endeavoured to represent their state to the Government; that the Government deplores their position, but is sanguine that that suffering will soon pass away; that it is the opinion of Ministers that more remunerative prices for the investment of capital and the exercise of industry will soon be received; that, under such circumstances, our constituents will be enabled to bear, as they now bear, the whole of the local taxation of the country, with very slight exceptions; to bear, as they now bear, a great portion of the inland taxation of the country; to endure, as they now endure, unrestricted competition with the foreign producer—then I can easily understand that they will feel that we have not been very urgent in our efforts, if we could not succeed in obtaining from such a sympathising Government some efficient measures of assistance. If the Government will not remedy an evil which they acknowledge and lament, with what face can we refuse to remove taxes which have the necessary effect of diminishing the demand for the produce of the sufferers? Are we to tell them that in such questions as this they have no interest? Must not we avail ourselves of every means that afford the slightest chance of a remedy? If we support the Motion of the hon. Member for the North Riding, it will bring the House to its senses; it will then be no longer possible for any Administration to exist, reaping the advantages of a policy to which they do not conscientiously adhere; it will not be possible for a Ministry to exist which is unwilling to compensate those who have suffered from measures which the Government themselves admit have produced consequences to be deprecated. I am convinced that if we support with success the Motion of the hon. Member for the North Riding, the effect will be to bring the House to its senses—that great experiments so fatal to the land will be terminated—and the Government will be obliged to strip from its face that convenient veil which has so long clouded its features. For these reasons, Sir, I shall support the Motion of the hon. Gentleman the Member for the North Riding. It is a Motion which, so far as I have heard, has not, in point of argument, been at all met. Why, if you admit the validity of your principles, this Motion is one of their necessary corollaries. No one can deny the justice of this Motion: all those eminent men on both sides of the House who, for a number of years, have given

their opinion on the corn laws, have admitted that the questions of the malt tax and the corn laws were indissolubly united. Well, you have repealed the corn laws, but the malt tax remains. Complete your scheme: fulfil your project. With local taxes enormous in amount, at all times difficult of endurance, with the corn laws abrogated, and a heavy income tax, it is surely worse than unjust that you should still continue the impost the repeal of which, under other circumstances, and at other periods, you admitted was the inevitable consequence of those changes and those inflictions which we have experienced, and which we now endure.

LORD J. RUSSELL said, that in one part of the speech of the hon. Member for Buckinghamshire he told the House that the question then before them was not a party question, and that he had that night not discussed it as a party man, though the cheers with which that remark was received might naturally have led to an opposite conclusion. Still he accepted the sentiments of the hon. Gentleman as they were stated, and he derived great consolation from that declaration; but there were some of the statements of the hon. Member the influence and tendency of which were not quite free from danger. The hon. Member placed the land apart from and in opposition to all the other interests of the country. ["No, no!"] The hon. Gentleman certainly told the House that if the land received just and fair consideration, the owners and occupiers of the soil would then consider what sacrifices they would make for the community at large. In that statement there was at least some ambiguity. Suppose they were to repeal the sum, nearly amounting to 5,000,000*l.*, which constituted the malt tax; suppose they were to repeal the rest of the excise, to the extent of 10,000,000*l.*, and that public credit was shaken to its base, what consolation would any Government have in being able to say that they had followed the advice of hon. Members on the other side of the House? Had those Gentlemen told the House anything about the care that they would take or the means that they possessed for replacing public credit upon a safe foundation? No; what they said was, that when the case of the land was considered in the manner of which they approved, they would then estimate what sacrifices they were prepared to make. He saw, however, with great satisfaction, that the leader of a great party in another

place gave an opinion opposed to the present Motion, and said that if he were a Member of the House of Commons he should not vote for a repeal of a tax which produced a revenue of 4,500,000*l.* That was the opinion of Lord Stanley—the opinion of the leader of a great party. He said—

"I confess that if I were a Member of the House of Commons, I should be rather inclined to coincide with the latter than the former, and think no officer in opposition would vote for the remission of a duty involving 4,500,000*l.* without being provided with some means by which the deficiency might be made good."

For his own part it was satisfactory to him to find that the hon. Gentleman did not represent the sentiments of Lord Stanley, and that Lord Stanley, if he were a Member of this House, would agree with them, and refuse to make a defalcation in the revenue which he did not see the means of making good. It might be all very well to say that this affair of taxation was the business of the Chancellor of the Exchequer, who was to receive those taxes; but it was also the business of the inhabitants of this country, who were to pay the taxes to the Chancellor of the Exchequer. When he found the tax, they would have to pay it, and they might suffer from a different impost much more than they did from the malt tax. Remembering that, and remembering, also, the possibility of a defalcation, he did not understand how it would be possible for any Minister to dispense with such a tax without seeing very clearly his way in proposing a substitute for it which would be less injurious than the malt tax was supposed to be to the community at large. At that late hour he should not enter into the particulars which the hon. Member for the North Riding of Yorkshire had given them. There were so many particulars in his speech, that there would not be time to enter into them, but he might observe that for not less than three quarters of a century, namely, from the year 1775 to the present time, the principle of the malt tax had been recognised by Members of that House, and by political economists. No less a man than Adam Smith had said that 26*s.* or 27*s.* per quarter might be collected from malt more easily and without so much burdening the community as it might be from other articles. Passing by, however, the immediate question of the malt tax, he could not, as he had risen to address the House, avoid taking some notice of the observations which they had heard on sub-

jects of larger interest. The hon. Member for Buckinghamshire had told the House that the present policy of the Government had proved destructive to the agricultural interest; and they had also been told that the unexampled distress of that part of the community had taken the Government by surprise. He must say that they had not experienced any surprise whatever: he never supposed that, in the great transition which the country had undergone, suffering could have been altogether avoided. The hon. Member opposite asked, with great appearance of triumph, whether this was a benefit or an evil: on these points, however, he had given opinions frequently upon former occasions when other opportunities of discussing them had been afforded; but, considering all the circumstances of the country, whether living under protection or free trade, he could under no circumstances resist the conclusion that whether prices were high or low, whether they sank or rose, the Government should never seek by the introduction of an Act of Parliament to produce artificial prices. That was a plain proposition. Whether hon. Gentlemen considered that prices were at present not remunerative to the producers of the country, or whether they considered them generally beneficial to the country; whether they considered them one thing or another, the principle of legislation on the subject was a principle perfectly clear, and by which the Government meant to abide. Whether prices remained at their present level, or whether they sank below it, they would not attempt to raise the price of the food of the people of England. And that was his answer to the question of the hon. Gentleman. It was a matter of curious disquisition whether or not prices were, or were not, likely to rise. Gentlemen might discuss, if they pleased, what was likely to be the produce of next harvest. For himself, he would not have the arrogance to predict either on the one subject or the other. He would leave prices to be regulated by the supply of this country and of the world, and he would not interfere with prices, whatever they might happen to be. But how was the prosperity of the agricultural interest consistent with the prosperity of all the great interests which together formed the well-being of this country? It appeared to him that they were perfectly consistent with each other. The ordinary taxes of the country were taxes imposed for the

benefit of the State—taxes to enable the State to pay the interest of the very large debt incurred in former years, and the establishments which the House of Commons might think necessary for the service of the year. But there were other taxes of very great amount, some part of which went into the Exchequer, but the greater part of which went into the pockets of particular classes and interests, and which were a very great burden on the people, without yielding any benefit whatever to the Exchequer, or assisting to pay either the debt or the establishments of the country. Some of these taxes were no longer maintained, and their diminution tended to increase the prosperity of the people, and enabled them to bear the taxes which were absolutely necessary. He would instance the case of sugar. The diminution of the revenue from sugar was not very considerable. But if they compared the price of the 200,000 tons of sugar consumed in 1845 with the price of the same quantity consumed in the present year, they would find that the diminution of the price to the consumer in the present year was no less than 5,000,000*l.* But the loss to the revenue was not 5,000,000*l.*, but much less. It was obvious, then, that when such a great diminution of taxation took place, and when the people were enabled to consume articles of necessity at a much less price than before, they had the greater means of consuming excisable articles, and the greater ability to contribute to the revenue of the country. This result was seen that very day in the returns of the revenue, in which they found, that notwithstanding the diminution of taxation that had taken place in excisable articles, the Excise revenue had not only increased, but the general state of the revenue was also increasing and advancing. Another proof of the advantage of the plan which the Government had been pursuing, was the returns of the exports which had lately been laid on the table. He found that while the value of the exports for the month of June, 1849, amounted to 4,355,783*l.*, the exports for the corresponding month in 1850 amounted to 5,959,949*l.*, being an increase of no less than 1,604,160*l.* on a single month. If, again, he took the first five months of 1849, and compared them with the first five months of 1850, he found that in 1849 the value of the exports was 12,191,973*l.*, while the value of those of 1850 was 26,027,948*l.*, being an increase

of nearly 5,000,000*l.* If, again, they compared those with the exports for the same period of 1848, they would find that the increase was about 8,000,000*l.* What did this imply? It implied that great numbers of people were employed at good wages, that they were able to consume the corn of the agriculturists and the sugar of the colonists, and all the various articles which contributed to the Excise, and the other branches of the revenue of the country. It was in vain to tell him that in a country where manufactures were advancing at such a pace, the agricultural interest would be left behind, and must long remain in a state of suffering. The hon. Gentleman the Member for Buckinghamshire represented the landed interest as if, for a long series of years, they had been falling into a state of depression, from which they could never recover. He maintained that the reverse was the case—that in consequence of the increase in the manufactures and commerce of the country, both the owners and the occupiers of the land had been enabled to exchange their products at a much greater value than they formerly did. ["Oh, oh!"] He regretted he had not the tables there to prove it; but would hon. Gentlemen who cried "Oh" be good enough to look at the rent of land, and the returns of the income tax, for the last year, and compare them with the returns for the years 1775 and 1790, and then tell him that the rent of the land, and the returns received from land, had not greatly increased in the course of that time? And what had been the main cause of that increase? The main cause had been the increase of our manufactures, and the prodigious exertions of those who were engaged in the trade and commerce of the country. The hon. Gentleman had asked him for the decision of the Government upon this question. He had said that he did not consider that the Government were really attached to the principles of free trade, and that they had maintained very different doctrines with respect to the effects of free trade. He begged to tell the hon. Gentleman that what the Government maintained was this, that whatever immediate loss or immediate difficulties might be caused to the agricultural interest by the great transition which was taking place in our social laws, that loss and those difficulties would be more than obviated by the general increase in the prosperity of the country, and that to enable the people to obtain

their food at the cheapest rate at which it could be procured, and to exchange the products of their industry with foreign nations, would afford the best foundation for the increased prosperity of the land. He believed that it would be an entirely false and injurious policy if, like the hon. Gentleman, they attempted to found that prosperity upon the principle of separating the prosperity of the land from the welfare of the other interests of the country. He believed that the welfare of all the great interests of the country were inseparably bound up with each other, and that the welfare of all these great interests was that which the Government had consulted. With these principles, therefore, he asked the House not to consent to the Motion of the hon. Member for the North Riding. The hon. Gentleman the Member for Buckinghamshire had said that they overtaxed land, and that customs duties were almost entirely rejected by them. The fact was, however, that the customs duties amounted to nearer 23,000,000*l.* than 22,000,000*l.*, which, according to his view, was charged upon the consumer, but which, according to the hon. Gentleman's theory, was charged upon the foreigner. What would he have more? Even if they took the income tax and the local taxation of the country, of which so great a portion was charged upon the commercial and manufacturing interests of the country, they would find that there was nothing like the sum raised from those sources that was raised from customs duties. He did hope, then, that the House would, as they had hitherto done, maintain that system of commercial policy they had of late years adopted—that they would not endanger the national credit by taking away at once nearly 5,000,000*l.* of taxes—that they would not reject the wise advice of Lord Stanley, who had declared that if he were a Member of that House, he would vote with the Government on this occasion—but that they would save the credit of the country and persevere in that system which he considered wise for all the interests of the country.

Mr. CAYLEY, in reply, said he had not wished to rest the question on grounds of protection; he had not asked for agriculture more than strict justice. The noble Lord at the head of the Government had compared this year with 1849 and 1848, which were years of great adversity. Let him compare the three years since the establishment of the free-trade policy with

the three years before, and he would then find the balance on the other side. It was true rents had increased since 1775 and 1790—not in consequence of the higher price of produce, but of the greater amount of capital invested. As to the revenue, his idea of supporting the public credit was to consider the interest of the taxpayers. His proposition was to relieve the springs of industry. He sought to relieve the consumer of a tax of 100 per cent in the first instance, and which was actually 500 per cent on the consumers. This was a wheat and an oat question, an Irish as well as an English question, and there was not any part of the country, from John-o'-Groat's house to the Land's End, which would not feel the benefit of the repeal of the malt tax. But, then, it was not convenient to repeal it at present. The screw must now be applied. Still, he was satisfied that the time was coming when the tax would and must be repealed.

Question put.

The House divided:—Ayes 123; Noes 247; Majority 124.

List of the AYES.

Adderley, C. B.	Devereux, J. T.
Aglionby, H. A.	Dickson, S.
Alcock, T.	Disraeli, B.
Anstey, T. C.	Dod, J. W.
Arbuthnott, hon. H.	Drummond, H.
Arehdall, Capt. M.	Dunne, Col.
Bagge, W.	Du Pro, C. G.
Bagot, hon. W.	Edwards, H.
Bailey, J.	Evelyn, W. J.
Baillie, H. J.	Farnham, E. B.
Barrington, Visct.	Fellowes, E.
Bass, M. T.	Floyer, J.
Bennet, P.	Fuller, A. E.
Bersford, W.	Galway, Visct.
Best, J.	Gooch, E. S.
Blackstone, W. S.	Gore, W. O.
Blair, S.	Gore, W. R. O.
Blake, M. J.	Grauby, Marq. of
Bramston, T. W.	Grattan, H.
Broadley, H.	Greene, J.
Brooke, Lord	Guernsey, Lord
Bruce, C. L. C.	Halford, Sir H.
Buck, L. W.	Hall, Col.
Burrell, Sir C. M.	Harris, hon. Capt.
Burroughes, H. N.	Heneage, E.
Cabbell, B. B.	Henley, J. W.
Cayley, E. S.	Hildyard, T. B. T.
Chaplin, W. J.	Hood, Sir A.
Chatterton, Col.	Hornby, J.
Cholmley, Sir M.	Jolliffe, Sir W. G. H.
Cobbold, J. C.	Kerrison, Sir E.
Codrington, Sir W.	Knight, F. W.
Coles, H. B.	Knightley, Sir C.
Compton, H. C.	Lacy, H. C.
Cotton, hon. W. H. S.	Lascelles, hon. E.
Crawford, W. S.	Lennard, T. B.
Cubitt, W.	Lennox, Lord A. G.
Curteis, H. M.	Lennox, Lord A. G.

Lewisham, Visct.	Sibthorp, Col.
Long, W.	Simeon, J.
Manners, Lord G.	Smyth, J. G.
Manners, Lord J.	Somerset, Capt.
March, Earl of	Sotherton, T. H. S.
Maunsell, T. P.	Spooner, R.
Miles, W.	Stafford, A.
Mullings, J. R.	Stanford, J. F.
Mundy, W.	Stanley, E.
Neeld, J.	Stuart, J.
Newdegate, C. N.	Sturt, H. G.
Nugent, Sir P.	Taylor, T. E.
O'Connor, F.	Thompson, G.
Palmer, R.	Thornhill, G.
Pechell, Sir G. B.	Trollope, Sir J.
Plumtre, J. P.	Tyrell, Sir J. T.
Portal, M.	Vyse, R. H. R. H.
Pusey, P.	Waddington, D.
Raphael, A.	Waddington, H. S.
Rendlesham, Lord	Wegg-Prosser, F. R.
Rushout, Capt.	Worcester, Marq. of
Salwey, Col.	Wyld, J.
Scholefield, W.	
Scott, hon. F.	
Seymer, H. K.	

TELLERS.

Christopher, R. A.
Frewen, C. H.

List of the NOES.

Abdy, Sir T. N.	Cowper, hon. W. F.
Acland, Sir T. D.	Craig, Sir W. G.
Adair, H. E.	Crowder, R. B.
Adair, R. A. S.	Davie, Sir H. R. F.
Armstrong, Sir A.	Denison, J. E.
Arundel and Surrey, Earl of	D'Eyncourt, rt. hon. C.T.
Ashley, Lord	Divett, E.
Baines, rt. hon. M. T.	Douglas, Sir C. E.
Baring, rt. hon. Sir F. T.	Douro, Marq. of
Barnard, E. G.	Duff, G. S.
Berkeley, Adm.	Duff, J.
Berkeley, hon. H. F.	Duke, Sir J.
Berkeley, C. L. G.	Duncan, Visct.
Bernal, R.	Duncan, G.
Birch, Sir T. B.	Duncuft, J.
Blackall, S. W.	Dundas, Adm.
Bouverie, hon. E. P.	Dundas, rt. hon. Sir D.
Bowles, Adm.	East, Sir J. B.
Boyd, J.	Ebrington, Visct.
Boyle, hon. Col.	Egerton, Sir P.
Brand, T.	Ellice, rt. hon. E.
Bright, J.	Ellice, E.
Brocklehurst, J.	Ellis, J.
Bromley, R.	Elliot, hon. J. E.
Brotherton, J.	Estcourt, J. B. B.
Brown, W.	Euston, Earl of
Buller, Sir J. Y.	Evans, J.
Bunbury, E. H.	Ewart, W.
Burke, Sir T. J.	Fagan, W.
Buxton, Sir E. N.	Ferguson, Col.
Carter, J. B.	Ferguson, Sir R. A.
Cavendish, hon. C. C.	FitzPatrick, rt. hon. J. W.
Cavendish, hon. G. H.	Fitzwilliam, hon. G. W.
Cavendish, W. G.	Foley, J. H. H.
Childers, J. W.	Forster, M.
Christy, S.	Fortescue, C.
Clay, J.	Fortescue, hon. J. W.
Clay, Sir W.	Fox, W. J.
Clerk, rt. hon. Sir G.	Freestun, Col.
Cockburn, A. J. E.	Gibson, rt. hon. T. M.
Coke, hon. E. K.	Gladstone, rt. hon. W. E.
Colebrooke, Sir T. E.	Greene, T.
Collins, W.	Grenfell, C. W.
Cowan, C.	Grey, rt. hon. Sir G.
	Grey, R. W.

Hall, Sir B.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Holland, R.
Howard, Lord E.
Howard, hon. G. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Viset.
Mangles, R. D.
Manners, Lord C. S.
Marshall, J. G.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Viset.
Miles, P. W. S.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.

Monzell, W.
Moore, G. H.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Noel, hon. G. J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Packer, C. W.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Palmerston, Viset.
Parker, J.
Pelham, hon. D. A.
Peto, S. M.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Stephenson, R.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, R. G.
Tufnell, H.
Turner, G. J.
Tynte, Col. C. J. K.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walter, J.
Watkins, Col. L.

Wawn, J. T.
Wellesley, Lord C.
Westhead, J. P. B.
Wilcox, B. M.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.

Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

The House adjourned at Half after Two o'clock till Monday next.

HOUSE OF LORDS.

Monday, July 8, 1850.

MINUTES.] PUBLIC BILLS.—1st Borough Bridges; Linen, &c., Manufactures (Ireland).
2nd Court of Chancery (Ireland); Factories; County Court Extension; Registration of Deeds (Ireland); Turnpike Roads (Ireland).
Reported.—Law of Copyright of Design Amendment.
3rd Upton cum Chalvey Marriages Validity.

POST OFFICE ARRANGEMENTS.

LORD HATHERTON, in presenting a petition against the recent postal arrangements, expressed a hope that their Lordships would institute proceedings to reverse them, observing that those regulations had originated in the over-anxious zeal of a small minority of the people. He expressed his surprise that the new arrangements should have been adopted on the address of one branch of the Legislature exclusively, and without the slightest reference to their Lordships. He protested against the attempt thus made by a comparatively few persons to force their opinions as to the proper observance of the Lord's day upon the majority of their fellow-subjects; and felt certain that, whatever views might be entertained upon the subject by a majority in the other House, the general opinion of the public was, that no such alteration should have been made without the authority of a legislative enactment.

LORD BROUGHAM concurred with the majority of the noble Lord's observations, but remarked that, as the arrangement had been suggested by nearly 3,000,000 of petitioners, who might fairly be taken as the representatives of the opinions of 12,000,000 of the population, it was not fair to represent the measure as one which had only been supported by a small minority. He protested, however, against the measure itself, and against the course pursued by its supporters in calling their opponents the "irreligious party." He reminded their Lordships of the incon-

venience to which he had been exposed on a recent occasion, when he was obliged to send off an express from Cashiobury to London at his own expense, in consequence of there being no transmission of letters on a Saturday night, and no delivery of them in town till late on Monday. He considered that the recent arrangements, by overdoing the matter, led to a great desecration of the Sabbath.

The BISHOP of LONDON differed from the noble Lord as to the increased desecration of the Sabbath, and reminded their Lordships that the petition calling for these new arrangements had received the sanction of most of the merchants and bankers of the metropolis, and of a large majority of the middle classes. He did not, on the present occasion, give any opinion whether they were right or wrong, though his present impression was that they were right. He looked upon the new arrangements as a great trial, as a great exhibition of Christian feeling; and, as a Christian minister, he exulted in the alteration.

LORD KINNAIRD thought that a majority of the inhabitants of our large towns were in favour of the recent alterations. According to the old system, the servants of the Post Office could not command one day of leisure in the week, nor one day for the performance of their religious observances. He confirmed the statement of the Bishop of London. Considering that a letter could now be delivered at a distance of 400 miles in little more than twelve hours, he saw no reason for complaining of the new regulations. He thought that arrangements might be made to obviate many of the inconveniences and difficulties which had recently arisen.

LORD LYTTELTON thought that Her Majesty's Government had taken no sort of pains to make any arrangement by which the inconvenience attending the change might have been mitigated. London enjoyed a complete rest so far as the Post Office was concerned on Sundays, and all that was desired was to place the other parts of the country upon the same footing.

The EARL of MALMESBURY hoped that their Lordships would not reverse the recent decision of the House of Commons by any hurried proceedings. He admitted that the recent arrangements had been called for by great numbers, among whom were to be found many merchants and bankers, who did not, however, suffer much

inconvenience from them. It was impossible, however, to place the towns on the same footing with the country, for there was no delivery at all in the rural districts. The present regulations were productive of great inconvenience, and in many cases produced much unnecessary anxiety and suffering. For instance, suppose a serious accident occurred on a Friday evening. If the sufferer had friends in the country, they could have no alleviation of their suspense by any information respecting his condition in the interval between Friday night and Monday evening.

The BISHOP of OXFORD said, that there appeared to be a great mistake in the mode in which the subject had been viewed by a noble and learned Lord (Lord Brougham), who had contended that the present plan would give employment to a larger number of persons in different parts of the country, than the handful who were formerly employed at the Post Office in London. That, however, was not the correct mode of judging of the subject—it was the many persons who were set to labour throughout the whole country by the arrival of the letters upon Sundays. If a solicitor, for instance, received a letter on that day upon any business, he would be bound immediately to attend to it, and to set in motion his clerks or assistants for that purpose; and if he were not to do so, he would be held liable for his *laches*. Great stress had also been laid upon the inconvenience which would result from the non-delivery of important letters on Sundays; but that difficulty might be obviated by forwarding the letters by railway in cases of great importance. [*A laugh.*] He understood the laugh—it meant that by so doing it would lead to a further desecration of the Lord's day. It would not, however, do so; for the large trading and professional firms would not receive their letters by that means, and even if they did, it would not be a legalised delivery. He did not wish to make the people religious by Act of Parliament; he did not wish to stop the railways on Sundays; but he felt bound to do all in his power to protect those who wished to spend their Sundays religiously.

LORD CAMPBELL protested against the law so broadly laid down by the right rev. Prelate. The right rev. Prelate said, that if a solicitor received a letter on Sunday he was bound, *omnibus aliis negotiis omissis*, to set his clerks to work on that day, otherwise, an action. Now, that was

not the law of the land; and God forbid it ever should be! If, on receiving his letter, he found it related to John Doe or Richard Roe, he could not set his legal operations in motion on the Sunday; it would be a breach of law to do so. That every solicitor knew well, and such a letter he would throw aside till the Monday. But if he received a letter containing intelligence of the illness or death of a relation, a friend, or a client, he would post off by railway at once, and would perform on the Sunday the pious duty which the emergency required. He deeply deplored that these new regulations had been enforced, for he believed that they would be to a certain extent subversive of the best interests of religion. He (Lord Campbell) was born in a country where the solemnity of Sunday was rigorously observed; but this non-delivery of letters on the Sabbath would by no means promote its better observance in this country.

The DUKE of GRAFTON expressed his deep obligation to the other House of Parliament for having established this arrangement; and he also thanked the Government for having given effect to the arrangement.

LORD BROUGHTAM said, that on the Northern Circuit consultations on Sunday were not unusual, and that during the two Sundays in which the bar was at York, it always received the liberal hospitality of the Archbishop of York at Bishopthorpe.

GENERAL BOARD OF HEALTH BILL.

Order of the Day for the House to be put into Committee read.

The EARL of CARLISLE then moved that the House do now resolve itself into Committee.

The EARL of LONSDALE moved that the Bill be referred to a Select Committee to inquire and report whether the preliminary forms directed by the Public Health Act (11th and 12th Victoria, chap. 63) to be observed in confirming "provisional orders" by Parliament, had in the case of this Bill, been duly observed. His Lordship was almost inaudible, but was understood to say, that there were great objections to this Bill in several of the smaller towns; but that, owing to their want of funds, they were incapable of opposing it, especially as it was supported by the whole weight of Government. Their Lordships could not, therefore, be too cautious in dealing with it.

The EARL of WARWICK supported the Amendment, stating that in the borough of Birmingham the Health of Towns Bill had not given satisfaction.

The EARL of CARLISLE felt himself under the necessity of opposing the Amendment, as it would lead to unnecessary delay, which, at this period of the Session, might perhaps lead to the defeat of the Bill. There was no distinct abuse stated by the noble Earl, and therefore no ground for acceding to his Motion. If acceded to, it would occasion great expense, in consequence of the number of witnesses who must be brought up from the country. All the arrangements made by the Board of Health ought to be conducted and examined into on the spot. The statements sent up from the town of Dover would not require much time for examination, and were not of importance enough to require a Committee. Every precaution which the Act demanded had been complied with at Dover. He had the satisfaction of announcing to their Lordships that the Bill was viewed with approbation by all the places to which it was intended to be applied. Several applications had been made to the Government to prevent any further delay in the passing of the Bill.

After a few words from Lord REDESDALE and the Marquess of SALISBURY in support of the Amendment,

On Question, their Lordships divided:—Content 47; Not-Content 18: Majority 29. Resolved in the *Negative*; then the Original Motion was agreed to; House in Committee accordingly. Bill Reported without amendment.

FACTORIES BILL.

EARL GRANVILLE moved the Second Reading of this Bill. As there was no objection to the principle of the Bill, he thought any discussion on its provisions might be more conveniently taken in Committee, which he should propose should be fixed for Monday next.

The DUKE of RICHMOND had no objection to postpone the discussion to Monday next; but he must observe that, if the Amendment of which he had given notice were not agreed to, he must contend that the factory operatives would not obtain that which was intended to be assured to them by the Bill of 1847.

LORD WHARNCLIFFE observed, that there were three parties to this measure—the masters, the operatives, and the Legislature; and he considered, under all the

circumstances, that the proposition of the Government was the most practicable one that could be suggested. The noble Lord was understood to object to the intervention of a week before the measure was brought on for discussion.

LORD FEVERSHAM said, that after what had fallen from the noble Lord, he should consider that he would be guilty of a dereliction of duty if he did not say a word or two on this Bill. He could assure their Lordships that a strong feeling prevailed throughout all the manufacturing districts of this country, that if this Bill should pass in the shape in which it was sent up from the other House of Parliament, there would be a breach of faith committed against the working classes of those districts. He had himself presented many petitions during the present Session, stating the views of the working classes, who said that, whereas all that was wanted was a declaratory Act to correct the mistakes made in previous Acts on this subject, they objected to the proposal now made, which, inasmuch as it gave them sixty hours' work per week instead of fifty-eight, went to the extent of not keeping faith with them. He had thought it his duty merely to state what was really the feeling of the operatives regarding this Bill.

LORD KINNAIRD was understood to express a hope that when the discussion came on, a decision would be come to which would be satisfactory to all parties. At the same time, he believed that there prevailed a feeling among the people that, rather than lose the benefit of the measure altogether, they would prefer the present Bill to pass.

After a few words from Earl GRANVILLE,

On Question, agreed to.

Bill read 2^a.

COUNTY COURT EXTENSION BILL.

LORD BEAUMONT, in moving the Second Reading of this Bill, regretted extremely that a Bill of so much importance and so very popular should not have fallen into abler hands than his own. The principle involved in the Bill had been constantly discussed in their Lordships' House. It had been discussed in 1830, and in 1833, when a Bill similar in most respects to the present measure was introduced, and though the Bill itself was lost, the question involved in it was very ably discussed. Their Lordships had already adopted the

principle that the Legislature was bound to procure justice for the community as cheap a cost as possible; and by the success which had attended the attempts that had been heretofore made, to establish local courts for the recovery of small debts they had proved their advance was in the right direction, and that their efforts had succeeded. The Bill establishing the county courts—the 9th and 10th Victoria—in operation since April, 1847, had been eminently successful in two ways, namely, not only by the number of debts that had been recovered through the instrumentality of the county courts, but also by the number of debts that had been recovered in consequence of debtors being conscious that these courts existed as an easy and cheap means of compelling them to pay their creditors. The returns showed that from March, 1847, up to the 31st of December in the same year, 429,215 summonses were issued; while the causes tried were 267,445. In 1848, the number of summonses was 427,611; and the number of causes tried was 259,118. And according to the returns the total amount of the small debts recovered from the commencement of the courts up to the end of 1848, might be estimated at no less an aggregate than the enormous sum of 2,700,000*l.*, which was certainly a very large amount, considering their source to be one of small debts. Their Lordships might judge of the great benefit afforded creditors when he informed them that the number of summonses issued in the county courts was in the proportion of four to one of those formerly issued in the superior courts; so that a large amount of debts would have remained unpaid without the creditors taking steps to recover them, had it not been for the facilities afforded by the new tribunals; so great and beneficial was the operation of the Act. Inconveniences had arisen in consequence of the jurisdiction of the courts being restricted to 20*l.*; and a great number of debts amounting to 30*l.* or 40*l.*, or even sums as high as 45*l.*, were reduced by the creditors to 20*l.*, all the difference being sacrificed, for the purpose of bringing the claim within the jurisdiction of the courts. The effect of this obviously had been to hold out a bonus to the debtor to defraud his creditor; and the practice was for unprincipled debtors to refuse to pay, knowing that the creditor, sooner than bring them into the superior courts, would reduce down to 20*l.*; and then the amount was generally paid. There

was one other reason amongst many why creditors and parties in general preferred going into the county courts to the superior courts—namely, that the parties themselves were allowed to give evidence, which practice, he found from various sources of authority, to have a most beneficial effect. In many cases the statement of the parties was alone sufficient, and the debtor was satisfied with the evidence taken on oath of the creditor. In some cases the evidence of the parties themselves was the only evidence which could be produced: in others the case would be imperfect without it. The present measure extended the jurisdiction of the existing county courts to all actions under 50*l.*; gave additional facilities for settlements out of court, and increased the control of the Lord Chancellor over the clerks. The only thing that appeared objectionable was the amount of fees, although he could not coincide in that objection. These were the general features of the measure. With regard to the details, he was prepared to enter into them if necessary, as also to meet whatever objections might be started with regard to the various clauses. But instead of doing so now, as he originally intended, he thought he would do better in waiting until they should go into Committee, and he would, therefore, content himself with asking their Lordships' assent to the second reading of the Bill.

LORD BROUGHAM said, the Bill was one of great importance, and likely to work great alterations in the judicial system of the country. It was certainly an experiment; and as such he should declare that he would not then oppose the second reading of the measure, as he was undoubtedly open to conviction on the matter. Reference had been made to a measure said to be similar to the present, which he (Lord Brougham) had the honour to introduce in 1833, but which had been defeated by the small majority of one. Now, the present Bill differed from that introduced by him in three points, which he would not then argue, preferring to reserve his observations until they should get into Committee. He was clearly of opinion that certain of the provisions contained in his Bill of 1833 ought to be introduced into the present measure, particularly that which related to the right of appeal and the choice of a court. He thought no appeal should be allowed from the decision of a county court judge in matters of fact; but on points of law, he viewed it to be

necessary to give, under proper restrictions, the right of appeal, as it would never do to have the state of the law different in different parts of the country. He supported the Motion most cheerfully, but he reserved to himself the opportunity of proposing alterations and amendments in Committee.

LORD CAMPBELL said, considering the office which he had the honour to hold, he felt it his duty to make some observations on this Bill, so very important as it was to the administration of justice. He by no means rose to oppose the second reading of the Bill. He was always favourable to the county courts; he had warmly supported the original Bill, of which this was an extension; and he believed that, on the whole, that Bill had worked beneficially. He thought it might be beneficially extended; but he owned that he should have been better satisfied if farther time had been taken to see by longer experience how it worked, so that it might be known where it might be extended, and where its extension would be beneficial. But the country being so strongly in favour of this measure, he would not oppose it. The principle might be applied beneficially where a debt was due to a tailor by a customer amounting to 20*l.* or 30*l.*—the amount was not at all material, because on such a debt no question of law was likely to arise, and it might summarily be disposed of by the county courts. Therefore, so far as debts were concerned, he would not advise the alteration of the Bill: but he would solemnly warn their Lordships against a rash extension of the jurisdiction of these courts to actions of tort. This Bill included actions of assault and battery, actions for slander, for seduction, and various other actions, where the case could not be reasonably conducted without special pleading—that was, without written statements on the part of plaintiffs and defendants, showing the real question in controversy between them, with the distinction between law and fact. The “glorious uncertainty” of the law had long been a proverb, and he believed the great advantage of the existing County Courts Act was their certainty. The real evil under the present system was, that nine-tenths of the time of the Judges was taken up in endeavouring to reduce to intelligibility the ill-digested legislation of Parliament. That very day an important case had been settled by the Court of Exchequer. A

right rev. Prelate, in the exercise of his undoubted right, had taken the opinion of every court in Westminster Hall upon a certain point, and on that point the Judges were unanimous, because it was one on which all lawyers were agreed. But if this Bill passed in its present shape, there were questions upon the construction of Acts of Parliament that would come before the judges of the county courts just as much as before the superior courts. He doubted whether the alternative of appeal would prove a cure for the difficulties which must result from this Bill. The extensions of the Bill now proposed should, he thought, be limited to actions of debt; and the jurisdiction with respect to actions of tort should remain as at present. If this suggestion were adopted, the Bill would prove a benefit to the public; but if it passed in its present form, it would create great confusion, and the country would deeply deplore its enactment.

LORD BEAUMONT thought that, if they agreed to the recommendation of the noble and learned Lord (Lord Campbell), not to extend the jurisdiction of the county courts to actions of tort, they would take away the best part of the Bill, as it was on actions of tort that the greatest number of cases arose.

On Question, agreed to.

Bill read 2^a.

BENEFICES IN PLURALITY BILL.

House in Committee according to order.

On the Motion of LORD LYTTTELTON, several verbal Amendments were made in the first clause.

The ARCHBISHOP of CANTERBURY moved an Amendment on the clause, omitting all the words after "it shall not be lawful for any spiritual person to hold together any two benefices," and adding, "except in the case of two benefices the churches of which are within three miles of one another by the nearest road, and the annual value of one of which does not exceed 100*l*."

The EARL of POWIS had given notice of an Amendment on this clause of the Bill; but, after the one proposed by the Archbishop of Canterbury, he did not intend to press it.

LORD REDESDALE thought it would be better to allow curates to be employed in the case of such parishes as were here referred to, than to have a regulation so stringent in its form as that which was proposed to be carried out.

The ARCHBISHOP of CANTERBURY thought the principle of the Bill should be strictly adhered to. Wherever a benefice afforded an income sufficient to support a clergyman, the parishioners had a claim to the undivided services of the incumbent. When a curate was appointed there was no encouragement to the parishioners to do many things that they would be induced to do if the incumbent himself were settled among them.

The Amendment of the Archbishop of CANTERBURY was then put and agreed to.

On the Motion of LORD LYTTTELTON, the following clause was inserted after Clause 1:—

"And be it enacted, that notwithstanding any provision in the said recited Act contained, it shall be lawful for any spiritual person to hold together any two benefices, according to the provision hereinbefore contained, whatever may be the yearly value of such two benefices jointly."

Several verbal Amendments were made in Clause 4; Clause 5 was omitted.

The BISHOP of NORWICH moved a clause to the effect that benefices may be disannexed from archdeaconries not endowed under the 3rd and 4th Victoria, cap. 113.

Agreed to.

Remaining clauses agreed to.

The EARL of POWIS gave notice that, on bringing up the report, he should move a clause to prevent future deans from holding, together with their deanery, the headship of any college or hall in either of the Universities.

REGISTRATION OF DEEDS (IRELAND) BILL.

LORD LANGDALE: In asking your Lordships to give a second reading to this Bill, a few words will suffice to explain its object. In Ireland, an office for the registration of deeds has been established for nearly a century and a half; and, although it is imperfect in some particulars, which require amendment, the utility and value of the system of registering deeds and assurances is not doubted. Upon a consideration of the regulations now subsisting in Ireland, it appears that the principal inconveniences which are found arise from—first, defective indexes; second, the want of sufficient provision for protecting purchasers from unregistered wills; and, third, the registration by memorial. The principal difficulty in establishing a useful system of registration has always been found in the formation of

good and sufficient indexes. In Ireland, the want of proper means of searching has led to the practice—sanctioned by Parliament—of granting negative certificates; and the searches necessary to enable the officer to grant such certificates have been, and still are, the occasion of great expense, amounting sometimes to a very large sum. This can only be remedied by proper indexes. The subject of constructing indexes was not, I believe, ever carefully and scientifically considered till the appointment of the Commission on the Law of Real Property in England. By their second report, made in June, 1830, they proposed a very ingenious and effective system, of which advantage has been taken in framing this Bill; and by adding to it the employment of the map which Ireland has the great advantage of possessing, it is hoped that much greater facility for referring to deeds than has ever before been possessed will be secured. A land index referring to the map is provided, and other indexes, founded on a classification of the deeds and assurances which are to be registered, are directed to be formed. The index of titles is connected with the land index; and in the case of such documents and assurances as require them, separate indexes are to be prepared, as indexes to wills and administrations, and indexes to bankrupts and insolvents.

Next as to wills. The Act of 2nd Anne, establishing the Register Office in Ireland, directed wills to be registered; but it contained no provision for making unregistered wills void as against purchasers from the heir; and the consequence has been, that the registration of wills has been greatly neglected, and purchasers have not the protection which was intended for them. This is proposed to be remedied by the present Bill.

The last point to which I beg leave to ask your Lordships' attention is the registration by memorial. The subject of registration by memorial, or by the deposit of an original deed, has lately been much considered by the Commissioners on the Registration of Deeds in England, and they have come to the conclusion that the only plausible reason assigned for registration by memorial—that of cheapness—has no foundation in fact. In the end, and in consequence of the imperfect and sometimes fallacious information which the memorial affords, greater expense is often occasioned than would have been by making a copy or duplicate for registration at

first. Too often great pains are bestowed, and much expense is incurred, in framing memorials which may be according to rule, but are, nevertheless, contrived to mislead those who ought to be fully informed. Considering these circumstances, the Commissioners have recommended for England registration by deposit of deeds, and this Bill proposes to adopt that recommendation for Ireland.

LORD MONTEAGLE expressed his gratification at the introduction of so valuable an amendment in the law of Ireland. He said that as, among the four Peers who were now present, he observed a noble Earl (the Earl of Roden) connected with Ireland, he could not help appealing to his noble Friend to bear his testimony to the fact that none of the evils which were apprehended in England from a general registration of deeds had occurred in Ireland.

Bill read 2^d.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 8, 1850.

MINUTES.] PUBLIC BILLS.—1st Public Houses (Scotland); Incumbered Estates (Ireland).

2^d Loan Societies; Ecclesiastical Jurisdiction; Militia Ballots Suspension.

MERCANTILE MARINE (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. MOFFATT rose to move as an Amendment, that the House go into Committee upon that day three months. It was due, he said, both to the right hon. Gentleman the President of the Board of Trade, to the shipping interest, and to the country, that an opportunity should be had for discussing this measure in all its bearings, for, though it affected one of the most important interests in the kingdom, there had been up to this moment no discussion upon it. The right hon. Gentleman appeared to think that the measure gave general satisfaction to the mercantile and commercial body. His (Mr. Moffatt's) opinion was directly the reverse, for he believed that the measure was exceedingly prejudicial and exceedingly unpopular. The shipping interest complained that they had not been fairly dealt with by the Government, inasmuch as that when the navigation laws were passed there was a distinct understanding that all the diffi-

culties which pressed upon the mercantile marine should be removed. The difficulties complained of were four in number, and nothing had been done to remove them. They were, 1st, the light-dues; 2nd, the pilotage; 3rd, manning the Navy; and, 4th, the registry of seamen. The first two of these formed a very heavy tax upon the shipping of the country; but, though measures had been promised calculated to relieve them of those burdens, nothing had in reality been done. The third ground of injustice of which the shipping interest complained was in regard to manning the Navy. They were compelled, whilst they had to compete with the whole world, to hire only a certain class of labourers, under the bitter knowledge that but for unjust legislation they might hire another class at a much cheaper rate. As an instance of the mode in which the Act worked in this respect, he would cite a case. Not long ago, a vessel sailed from London to Brazil, and then took freight from Brazil to Amsterdam. At Amsterdam the captain hired all the English sailors that were to be obtained, in order to navigate the vessel home. He was unable, however, to obtain a sufficient crew of English seamen, and was compelled to hire three foreigners. At the same time, he took the precaution to obtain the Consul's certificate that there were no more English sailors to be had. When he arrived at the port of London, the cargo was stopped, and, notwithstanding the Consul's certificate, the captain was fined 30*l*. With regard to the registry, he believed that the system provided for by the Bill, would be found to be a greater annoyance and vexation than the present. Upon these four grounds the shipping interest complained that they had not been fairly and liberally, or even justly, dealt with by the Government. They admitted the desirableness of improving the theoretical knowledge of the masters and mates of vessels, but they doubted the efficacy of the machinery by which that was proposed to be accomplished, and they were of opinion that, before passing a compulsory measure, public schools of instruction in nautical science should be established, as in Prussia, Holland, France, and other countries, where a compulsory examination existed. He feared that this measure had been founded on very one-sided information. The Consuls spoke generally of the captains and mates of vessels, except in the case of a low class of coasters, in terms of high praise; and certainly their reports did not warrant such a bill of in-

dictment as he looked upon the present measure to be. If the Bill were not founded upon the Consuls' reports, it must have been upon the reports of the Committees which sat in 1836 and 1843. The former of these was upon shipwrecks, which it attributed to ten distinct causes; and the latter, whilst it recognised the broad general objection which the mercantile interest of the country had to any provision for compulsory examination, nevertheless went on to report in favour of such examination; but at the same time recommended the public school system to which he had before referred. He greatly doubted whether the House would adopt a wise course in throwing all this additional business on the Board of Trade, which was already overwhelmed with work. The object of the Bill, next in importance to providing for the examination of masters and mates, appeared to be the destruction of the crimping system; but he confessed he could not discover any one clause in it that would be more effective in suppressing the crimping system than the provisions of the Act which was passed some years ago, called "the Seamen's Protection Act." The Bill, however, whilst it did not protect the sailor, threw out continually the greatest allegations of fraud against the shipowners. The practice of crimpage did not exist in more than four or five ports, yet the provisions of the Bill respecting it were inconveniently made applicable to the whole kingdom. The Government had omitted to give the House an estimate of the expense which would be incurred in carrying out the measure. Local boards, with a staff of clerks, were to be appointed in every port, and the expense of the establishments was to be defrayed out of the profits of shipowners. As to the opinion of the shipowners themselves, it could not be doubted that it was hostile to the measure. The great body of the shipping interests of London, Belfast, Bristol, Hull, Dublin, Dundee, Montrose, Plymouth, North Shields, Scarborough, and other ports, had declared against the Bill. Looking, then, at all the circumstances of the case, and taking into consideration the fact that the Government intended to introduce next Session a new commercial code, into which the present measure was to be absorbed, he felt himself justified in moving the postponement of the measure.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House

will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR W. CLAY, as the representative of the borough which contained the greater portion of the largest port of the kingdom, could not give a silent vote. He admitted that a large portion of the shipowners of the port of London was opposed to the Bill, but he nevertheless doubted whether the measure was as universally unpopular as it was represented to be; and, whatever view the shipping interest might take of the provisions of the Bill, he, on his part, believed it would prove beneficial, not only to shipowners, but the country generally. The great port of Liverpool had declared in favour of the Bill. He (Sir W. Clay) had been many years connected with the first shipping interest in the world, and if he thought the Bill adverse to that interest, no inducement whatever could have persuaded him to vote in its favour; but, on the contrary, he believed that the measure was greatly calculated to benefit the shipping interest. The main question before the House was, whether the conduct of the officers of the British mercantile marine was such as befitted the character of the first commercial country in the world, and whether it was such that millions of property and hundreds of thousands of lives might be annually trusted with it. He would say at once, that it was a matter notorious that it was not, and that verdict his now somewhat great experience fully justified. He felt bound to defend the consular returns, against which such calumnies and ridicule were directed last Session, and the fitness and capability of those consuls to form a correct judgment. He admitted that the excellence of the common sailors, and that the characteristics of Englishmen, their intelligence, their perseverance, and their bravery, ought to have led to a contrary conception respecting the officers; but the low character of the officers of the commercial marine, arose from their having been for many years accustomed only to sail in convoy, under a man-of-war, the officers of which in reality directed the movements of the merchantmen, and thus very commonplace capabilities were sufficient to manage a vessel under such able direction. Indeed, when the war was hot, the vessels often lay in harbour so long that it was necessary, according to the standing joke of that period,

occasionally to remove the vessels to prevent them grounding on the beef-bones they had thrown overboard. He defended the Bill strongly, not only as calculated to improve the efficiency of the masters and mates, but as being well calculated to protect the sailors from crimps.

MR. CLAY said, the Government, by this Bill, legislated on a great subject in a very small way. This mode of legislating by patches made more confused a code which already required simplification. The alterations made in the measure had, he was aware, softened down the opposition to it, but he doubted whether it had improved the Bill. Why, for instance, was the coasting trade exempted from its operation? No one could say that its captains required less improvement, or that its sailors less needed protection than those of other trades. While he admitted that a compulsory examination would be of great service, and that the additional powers given to captains at sea for the purpose of preserving discipline would be a great advantage, he objected to the details of the Bill as vexatious and injurious to the shipowners. He was aware of a case in which a vessel at Hull was enabled on a recent occasion to fill up the places, in a quarter of an hour, of two sailors who were absent at the moment the vessel should have sailed, and thus a delay of twenty-four hours was avoided; whereas, if the Bill had been in operation, it would have been impossible to have complied with its requirements as to the mode of engaging sailors, and have saved that tide. The gentleman who had given him that information was Mr. Alderman Thompson, of Hull, a large shipowner of great experience, who was strongly opposed to all these unnecessary requirements. He (Mr. Clay) thought these might very well be dispensed with. In improving the captains, they would improve the men. No axiom was truer than that "a good captain made a good crew." His greatest objection, however, was that it was an interference between the employer and the employed. He would much rather support the Motion of which the noble Lord the Member for Colchester had given notice, than that of the hon. Member for Dartmouth, because the latter implied an entire disapproval of the principle of the measure; whereas, if it were referred to a Select Committee, all his (Mr. Clay's) objections would be removed. A Select Committee could also consider all those burdens which the Government and the House had ex-

gaged to consider, and towards the removal of which all that had been done was the introduction of a paltry Bill respecting light-dues.

LORD J. MANNERS said, that his opinion in respect to this Bill had undergone considerable modification, in consequence of the alterations which had been made in it; but it was yet in a state which induced him to believe it would be wise to refer it to a Select Committee, and accordingly he had given a notice to that effect. When the House repealed the navigation laws, it was generally admitted that the shipowners had claims to the consideration of Parliament. Those who sat on that side of the House said, the shipping interest had acted very unwisely in permitting the repeal of that code, without first insisting on the removal of the burdens under which they laboured. The House was, therefore, especially called upon, in any further legislation on the subject, to respect the feelings and wishes of the shipping interest. It was perfectly true that a great improvement had taken place in this Bill; but its details were so many and so various, and its connexion with other points and other burdens so intimate, that he still thought it would be better to refer it to a Select Committee. The Bill proposed to constitute in certain places local boards—was the House prepared to say what places should be so privileged? The right hon. Gentleman the President of the Board of Trade proposed that every port which had 30,000 tons of shipping should have that privilege. But why that precise amount of tonnage was fixed upon, and what ports would come under that limit, were questions upon which they were utterly ignorant, and would be much better discussed upstairs. Then, again, the system of examination was to be referred to these local boards; and why should the smaller ports, which were excluded from local management, have a severer examination than that which was to be instituted in the larger ports? It was proposed that every shipowner who possessed 500 tons of shipping should have a vote in the constitution of the local boards; but why 500 tons? With 30,000 tonnage for the ports, and 500 tonnage for the voters, the number of electors would, he believed, range in most ports from 50 to 70, and that seemed to him a very small constituency; and he very much doubted whether it would not be wiser to make the qualification lower. Could the House take upon itself to name the

exact limit which would be best? He thought not; and those were all reasons why the Bill should be referred to a Select Committee. He was sorry the hon. Baronet the Member for the Tower Hamlets took upon himself the defence of the consular returns. He (Lord J. Manners) frankly confessed that he could not put much reliance upon their authority; and the House must recollect that many of them stated that they were not the best qualified persons to give an opinion. Suppose the case were reversed—suppose the merchants of Liverpool sent out directions to all their captains to make returns as to their opinion of the character and conduct of the consuls. Could great questions of national importance be decided upon such returns? He thought not; and he, therefore, did not attach much importance to those consular returns. He ridiculed the beef-bone theory of the hon. Baronet. It was preposterous to think that, after a thirty years' peace, the character of our British merchantmen must be referred to what had occurred at such a distance of time, when, according to the hon. Member's statement, the masters of merchantmen all sailed under the directions of the captains of the Royal Navy. He (Lord J. Manners) did not think that the masters of merchantmen, forty years ago, deserved the character given them by the hon. Baronet; but if they did, they had been long enough out of those leading strings to acquire sufficient knowledge and skill for themselves. He admitted that the Shipowners' Association of Liverpool had declared in favour of the Bill since it had been altered; but, at the same time, it declared that recent legislation had rendered great changes necessary in the maritime code of this country. It was therefore another reason for referring the Bill to a Select Committee, that those changes could be discussed in conjunction with this Bill, and the best mode considered of removing the numerous burdens which now pressed upon the merchant service. He also reminded the right hon. Gentleman that the Liverpool Shipowners' Association had expressed a very strong opinion against the law as it now stood, which related to the supply of seamen to the Royal Navy out of our merchant vessels to the extent of two-thirds of their men. If the Bill were referred, as he wished it should be, to a Select Committee, it would be well to refer to them also the consideration of the burdens which now pressed on the shipping interest.

MR. LABOUCHERE was far from complaining of the hon. Member for Dartmouth for raising a discussion on the principle of the Bill. But, having on two occasions stated the reasons why he had brought forward the measure, he hoped the House would excuse him from entering at any great length into the subject, especially as he was anxious that the House should go into Committee to-day. This measure was said to be unpopular with the shipping interest. That he directly and explicitly denied, after having held the most ample communication with that interest. All the great ports—Liverpool, Glasgow, and Bristol—had expressly stated their almost unanimous concurrence in the Bill, and he might name others. Public opinion in London was more divided; but, as one who had had to deal with the shipping interest, and knew how they disliked change, he would admit that a Bill must have considerable merit of which it could be said that it had the very general concurrence of that interest in regard not only to its principle but its details. He had named communities. Individuals he might name without number; but he should name only two: the first, the greatest shipowner in the world, who possessed above 36,000 tons of shipping, managed in the most admirable manner, whose ships were a credit to this country in every part of the world; he meant Mr. Gilmour, of Glasgow, a gentleman of great intelligence. He had received the assistance of that gentleman, who at first had objections to the Bill; and Mr. Gilmour, after making various suggestions, became a supporter of it. The other name he should mention was that of a London shipowner of great benevolence; he meant Mr. Green. Those who knew the "Sailors' Home," the excellent schools that gentleman had instituted—the Christian care he took of the sailors, would be of opinion that a high authority was quoted when Mr. Green was stated to be a supporter of the Bill, not only in its general principle, but in many of its details. If there were any shipowners who had a right to say, "Don't interfere with us—we manage admirably," these two gentlemen had it; but it was their own experience which had led them to support a measure calculated to benefit sailors generally. So much for the alleged popularity of the measure; if the House waited for a Bill that should obtain universal assent, they might wait till doomsday. He entreated the House not to raise a discussion on light-dues, manning the

Navy, and other irrelevant points; but he might remark, that the measure relating to light-dues, which had been called a paltry measure, consisted in a reduction by the Board of Trade, in conjunction with the Trinity House, of one-half of the light-dues—a reduction for which persons connected with the coasting trade were extremely grateful. Admitting that the principle of this Bill was, in a certain sense, one of interference, he begged the House to consider what was the object of that interference, and whether it was not likely to benefit the shipping interest. The Bill had three great objects. The first, which had met the general concurrence of the House, was to require that every man who undertook the responsibility of superintending a ship should prove before a competent tribunal that he was not grossly and palpably deficient in the necessary qualifications; and, what was of still greater consequence, to give power to deprive him of the certificate he might have obtained on proved delinquency in having lost a ship, or misconducted himself in command. That was an important check and control, though it was to be hoped it would not often be necessary to call it into play. He had never brought any general charge against merchant captains and mates. He knew many excellent and accomplished men engaged in that capacity. But it was notorious, without reference to consular returns, or evidence in blue books, that in many trades men were put into the command of vessels who were grossly unfit. He held in his hand a letter from a captain in the Royal Navy, serving on the coast of Africa, who thus described a mutiny which occurred in a merchant vessel on that coast:—

"When commanding Her Majesty's ship *Fair Rosamond*, among the numerous instances of dispute and mutiny I was called on to settle in that ill-conducted African trade, was one in which the master and chief mate having quarrelled, the former suspended the latter from duty, and there in all probability it would have ended, but that the crew most naturally took part with the mate, he being a seaman, while the master scarcely knew the stem from the stern. On mustering the crew and investigating the case, I became possessed of facts that surprised me. The ship was—I do not mention the name of the ship—of 600 tons burden. The master had not been bred to the sea, but, having served behind some chymist's counter, had sailed one voyage in a ship belonging to the same owners in the double capacity of surgeon and supercargo, and was this trip sent in command of the 600 ton ship, a good seaman being selected as his nurse, and appointed first-mate. Who could be surprised at a mutiny? Seamen will submit to treatment amounting to

tyranny from a seaman, because they look with respect on such when in authority over them, as they equally and very properly despise all who, not being such, usurp the position."

It was to check abuses, of which this was not a solitary instance, that the Bill had been brought in for a compulsory examination of masters and mates. In the East India marine, a compulsory examination was insisted on, and had exercised a great influence on the character and condition of that service. The worthy Alderman opposite, the Member for Westmoreland, a high authority on the subject, had some years ago brought in a Bill for the same purpose; and to this extent there was no great difference of opinion on the present measure. Another point, on which there was more diversity of sentiment, related to the expediency of recognising shipping officers who should exercise certain powers in regard to the shipping of sailors. On careful consideration he was led to recommend that arrangement, as saving the sailor from crimps and those who preyed on him, and also as benefiting the shipowner, because it tended to the despatch of his business. It was a mistake to suppose there was no intermediary party at present between the sailor and his employer. The rate of payment now made to the shipping agent was much higher than that proposed by the Bill. The maximum rate for a licensed agent was, under the Bill, to be 2s. In the United States the legal regular sum paid to an agent for shipping a sailor was one dollar. An arrangement, similar to that of the Bill, was made in Quebec, for the purpose of putting down the frightful system of crimpage which existed there; the rate there was 5s. Parties had petitioned the Canadian Legislature against the measure sanctioning that arrangement, and stated that the town would in consequence sustain a loss of 30,000*l.* a year, being the sum which was got from the sailors by the harpies who preyed on them; but, last year, more than 100 captains of vessels had given their opinion in favour of the measure. With respect to the third object of the Bill, no discussion had arisen as to the necessity of taking measures to prevent desertion and improve the discipline of merchant ships. The sailor had as great an interest in having the discipline of a ship maintained as the shipowner, and he was not afraid to introduce the most stringent provisions for the preservation of discipline, making the captain responsible afterwards. It was better that the power of the captain should

be somewhat despotic, than that it should fall short of what was necessary to enable him to maintain discipline. An American writer, named Dana, the author of *Ten Years before the Mast*, said on this subject —

"If I expected to pass the rest of my life before the mast, I would not wish the power of the captain diminished an iota."

The powers of captains in American ships were large, and exercised without much scruple:—

"It is absolutely necessary that there should be one head and one voice, to control everything and be responsible for everything. There are emergencies which require the instant exercise of extreme power. These emergencies do not allow of consultation. It will not answer to say that the captain shall never do this or that thing, because it does not seem necessary and advisable that it should be done. He has great cares and responsibilities, is answerable for everything, and is subject to emergencies which perhaps no other man exercising authority among civilised people is subject to. Let him, then, have powers commensurate with his utmost possible need; only let him be held strictly responsible for the exercise of them. Any other course would be injustice as well as bad policy."

It was in accordance with these principles that he had framed the provisions relating to discipline and desertion. He hoped the House would not agree to the Amendment of the hon. Member for Dartmouth. That of the noble Lord the Member for Colchester would be equally fatal to the Bill; and, if it were jumbled together with questions of pilotage, &c., it might go into a Select Committee, but would never come out. With respect to the consolidation of the Acts relating to the merchant navy, he had been blamed for not proposing a measure to effect that object. But he could not have hoped to introduce a measure with which the House could have grappled successfully, and he had taken the course which promised to lead to the most satisfactory conclusion. It was his intention at the close of the Session to prepare a Bill of consolidation, incorporating the provisions of the present measure with the existing Acts. Either of two courses might then be taken; the House might consent to pass that as a Bill of consolidation simply, or consolidation and amendment might be combined. That proposal, which he had stated to various gentlemen connected with the mercantile marine, appeared to meet with general assent. With respect to the patronage with which the Board of Trade was to have been invested, he had got rid of that part of the scheme to which he had looked with considerable alarm, namely,

the appointment of the shipping masters, who would not be appointed, as the noble Lord supposed, only in ports where the shipping amounted to 30,000 tons, and in every port where a shipping master was required, there would be a local board which would appoint him. There were smaller ports where such an officer was unnecessary, and the business could be done for some 15*l.* a year. The British Consuls in Norway stated that the system there was similar to that proposed in the Bill. In conclusion, he must urge on the House the propriety of passing the Bill in the present Session of Parliament; and, so far from thinking it premature, he felt ashamed that he had not dealt with the subject sooner, as he should have done if he had been aware of the real state of the case.

MR. HERRIES said, it was a mistake to suppose that those with whom he acted were averse to the principle of the Bill, for no side of the House, no party, could object to a measure which had for its aim the improvement of the mercantile marine of this country; but the question was, did this Bill attain that end? He, for one, certainly did not think it did; nor did he believe that the majority of the shipping interest entertained a favourable opinion towards the measure. No doubt some ports did approve of it, but by no means all, or even a fair proportion of them. At the time when the repeal of the navigation laws took place, the Government and the House undertook to remove all restrictions which would press unfairly upon the mercantile marine, and prevent it from entering fairly upon its competition with the whole world. Not one of these restrictions had, however, been dealt with, and the shipowners were consequently much dissatisfied. The question before the House was one of the most intricate character, and, not desiring to throw obstructions in its way, but with the desire of rendering it as perfect as possible, he should earnestly recommend the right hon. Gentleman to go into Committee upon it with that view, and, after that, to give time to all parties concerned—ample time—to consider the effect of such vast alterations as it proposed. The Bill was not to remedy any pressing grievance, but to regulate prospectively our marine. That was a case which more than all others required caution and consideration. The right hon. Gentleman said that the Bill would again next Session come before the House in his consolidated Bill. The Bill then might be altered, and to pass a Bill which should so

soon require amendment was bad legislation. At first, the Bill proposed to put the whole marine of the country under central management; but now that was abandoned. The right hon. Gentleman had talked of Glasgow and Liverpool, but he was opposed by the city of London; and surely, on such a question, the opinion of the greatest shipping interest in the country was most important. He did not wish to impede the progress of the Bill, but he certainly thought nothing would be lost by referring it to a Select Committee.

MR. CARDWELL believed the question at issue was, whether the measure should be defeated or not for the present Session by delay. He supported the Bill, which was now free from the objection that it left the shipping interest in the hands of the Board of Trade. The powers of that board, which were arbitrary, had now been defined. How did the parties interested regard the Bill? The hon. Member for the Tower Hamlets spoke for London; there was an influential Gentleman opposite who could speak for Glasgow; the Liverpool Chamber of Commerce had undertaken the office of mediating in favour of the Bill, and the Shipowners' Association of Liverpool had done their utmost to bring it into shape. Reserving the right to bring before Parliament in the present Session any of the subjects excluded from the Bill, he thought it the duty of those who had constituencies interested in the measure to resist the defeating of it by loss of time, to support the Motion for going into Committee, and promote the adoption of it in the present Session. With a view to the proposed consolidation of the law relating to the mercantile marine, it was desirable to carry into effect as many beneficial provisions as possible.

COLONEL THOMPSON would observe, on one point on which the Bill had been attacked, that there was no arbitrary power given to any board to reject candidates, but all that was directed was, that the candidate should have testimonials of some kind. Now everybody knew that the obtaining testimonials was too easy rather than too difficult; and therefore the presumption was that a candidate who could get no testimonials from anybody by whom he had been previously employed, was one it would be well to turn back.

MR. MACGREGOR said, that if this Bill had been law fifty years ago, half the wrecks which had occurred in that time would have been prevented. If the captain of the *Orion* had known that proved

neglect would have the effect of preventing his ever sailing as a captain again, he (Mr. Macgregor) was convinced that fine steamer would not have been run too near the shore at Portpatrick, and many valuable lives would have been spared. The effect of the Bill would generally be to improve the character, not only of the captains, but of the seamen; and he regretted that it did not declare that "advance notes" were illegal. He should vote for going into Committee at once.

Amendment, by leave, withdrawn.

LORD J. MANNERS then moved that the Bill be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 120; Noes 34: Majority 86.

Main Question put, and agreed to.

MR. WAWN objected to enacting the new restrictions of this Bill before the Ministry had brought in measures to remove all the burdens the shipowners laboured under. Nineteen-twentieths of those who had just voted in the majority had supported the navigation laws, and where, then, was their consistency? He protested strongly against the Bill.

Bill considered in Committee.

House resumed.

Committee report progress; to sit again To-morrow, at Twelve o'clock.

ECCELESIASTICAL COMMISSION BILL.

Order for Committee read.

On the Motion of LORD J. RUSSELL, the House resolved itself into Committee on this Bill.

Clause 1.

MR. HORSMAN said, he rose to propose the Amendment of which he had given notice. His object was, that the three paid and responsible Commissioners should constitute the whole of the Commission, and discharge all the duties appertaining to it. He believed he should have no difficulty in showing that this course would be most sound in principle, and the best that could be adopted in practice. What was the object of the Bill? It was to remedy the defects of the present Ecclesiastical Commission, the members of which were too numerous, and their proceedings manifested both inefficiency

and irresponsibility. The object of the Bill was to substitute an effective and responsible Commission in the place of the present one. How could they best secure this effective and responsible board? By securing, on the part of the Commissioners, such a close attention to the business of the board as to ensure a full knowledge on their part of the business before it; for no one could be fairly held responsible for that of which he had no knowledge. Then, how were they to ensure effective men for the discharge of the business of the board? This was the conclusion arrived at by the Parliamentary Committee appointed to inquire into the subject. It recommended that three paid Commissioners should be appointed to conduct the business of the board; and the Government concurring in that opinion, the present Bill was brought in to give effect to the recommendation. In order that the plan should be complete and effective, he then proposed that the entire of the present *ex officio* members of the board, fifty-two in number, should be got rid of. That body was now constituted of Judges, Cabinet Ministers, and Bishops. He proposed that the whole business of the board should be executed by the three responsible members of it, who would know every thing that was transacted by the Commission. This would be following the example of every other responsible board, and would relieve the Judges, the Cabinet Ministers, and the Bishops from their attendance on it. With regard to the Judges, the Lord Chancellor, the two Chief Justices, the Lord Chief Baron, the Master of the Rolls, and the Judges of the Admiralty and the Prerogative Courts, were at present members of the board. Now, what in the world had all these to do with the Ecclesiastical Commission? They had other important functions to discharge, and they could not give their attendance at the meetings of the Commission without injury resulting to the public service. They must be taken from their other duties to attend the Ecclesiastical Commission, or they must neglect this Commission to attend to their other duties. Therefore public convenience and common sense were alike in favour of the Judges being excused from attendance. Five Cabinet Ministers were members of the board; and he was sure they would be as glad to be excused as the Judges. Their official duties were of such an onerous character, that the attendance at this board must interfere with them. The other *ex officio* members of the Com-

mission were the Bishops. They had been consecrated to a particular office, whose claims upon their time and attention were even still more serious and solemn; and if it should happen that they were the only *ex officio* members who were unwilling to retire from the Commission, what was the inference which the public would draw from that circumstance? Why, that they considered their spiritual functions of less importance than the judicial functions of the Judges, or the political functions of the Cabinet Ministers. Now, did the House really think so? Were the episcopal duties, for which, in some instances, a sum four or five times larger, and in one instance he believed a sum ten times larger, than the salary of the Prime Minister was paid—were those duties, in the eyes of the nation, or of the Church, of small amount? If the House did not think so—if both reason and religion were in favour of a change in the Commission, and if the Prelates were the only parties who opposed and obstructed that change, what other construction could the nation put upon it, than that their conception of their duties, contrasted unfavourably with those entertained by the heads of other departments of the public service? They would conclude that, while the judicial functions were first in the estimation of the Judges, and the political functions all-important in the eyes of the Cabinet Ministers, the spiritual functions did not seem to be uppermost in the hearts of the Prelates; and that, while Judges and Cabinet Ministers felt a delicacy in intruding into the concerns of a board which were specially intrusted to paid functionaries, the Bishops had no such scruples, and would insist upon intermeddling irregularly, capriciously—many would say, selfishly—and, there could be little doubt, injuriously to the public service. Both reason and religion were in favour of the change which he proposed in the Commission; and if the Prelates were opposed to him, what construction could they put on their conduct, except that the duties of their office contrasted very unfavourably with other public duties? No right or privilege of theirs was in any way involved by their not being on the Commission; and if they persisted in being placed on it, the country would look on their conduct with suspicion. What was the nature of the duties which came before the Commissioners? The duties of the board referred entirely to the administration of the temporalities of the church. It had the administration of funds which

arose from different kinds of Church property scattered over the various dioceses of England and Wales. It was not the question, as to whether a Bishop should have the management of the property appertaining to his diocese. Every Bishop had the control over the diocesan property for the term of his life, and the Bill did not propose to interfere with this arrangement; but the question was, whether they should have the general management of all ecclesiastical property in all parts of the kingdom. The property under the control of the board was not merely episcopal, but general; for all property connected with the Church and the estates, consisted of any kind of property known to the Church. Take the case of the prelates whose dioceses were nearest to them—he meant the Archbishop of Canterbury and the Bishop of London. The management of the estates of Canterbury and London was but a tithe of their labours. They had now to take the management of the ecclesiastical estates of York, Carlisle, Durham, Exeter, and other dioceses; and instead of being confined to estates in which they had an especial interest, they had to become general managers of estates of which they had no knowledge whatever, and of which they could have no knowledge except by giving such a close attention to those secular affairs as to place their episcopal duties in abeyance. He was not now seeking to do an act which imposed any new duties; but he was only resisting a modern, and to his mind an extremely objectionable, innovation. The question then was, whether the present was an effective Commission. He believed he should have no difficulty in showing that the duties now performed by it could be better done by dispensing with the attendance of the present *ex officio* Commissioners. Why, he repeated, should they make an exception in this board, to the practice in all other cases? If the House dealt with the matter as a question of policy, what did all their experience teach them? Was Parliament so well satisfied with the past working of the Commission, that it was ready to make further sacrifices in order to secure the attendance of the Bishops at the board? There were few members of the Church who had attended to the subject who did not feel that the Commission was injured by the attendance of the Bishops. If the experience of the past showed them that no advantage was to be derived from the presence of the Bishops, how could they expect any benefit

from their being continued members of the board? The Commissioners acted by means of Orders in Council, and they had printed upwards of 300 of them to carry out the business of the board. Not a single syllable appeared in any one of them to show that there was any necessity for any prelate being a member of the board. He appealed to the Members of the Committee to which he had already alluded, and to the noble Lord who was its chairman, whether, throughout the whole of that inquiry, from commencement to close, anything had transpired to show that the business of the board would be better done by having Bishops members of the Commission, or that their presence was in any way advantageous. In his opinion the majority of that Committee should carry out their own views. The enlargement of this Commission, as proposed, was justified by neither policy nor expediency, and he could not discern the principle upon which some of the members of it should be withdrawn from their spiritual and others from their temporal duties. He appealed to the constitution of the Church itself against the mode in which the Commission was composed, on the ground that the offices of teacher and of trader were incompatible with each other. Some years ago an Act of Parliament had been brought in by the Ecclesiastical Commissioners themselves, providing that no clergyman of the Church of England, under the dignity of bishop, should be engaged in farming land to a greater extent than eighty acres, it being thought not expedient that they should be encumbered too much in their spiritual duties with worldly avocations. Such had always been the law and principle of the Church; and if the Ecclesiastical Commission would pass an Act preventing the parochial clergy from cultivating more than a small quantity of the soil, he should like to know why the same law was not applicable to the higher orders in the Church? Could it be established that the spirituality of the office was not degraded by worldly avocations, on account of the holder of it being of a higher rank? It reminded him of a passage in the Acts of the Apostles:—

“Then the twelve called the multitude of the disciples unto them, and said, It is not reason that we should leave the word of God, and serve tables. Wherefore, brethren, look ye out among you seven men of honest report, full of the Holy Ghost and wisdom, whom we may appoint over this business. But we will give ourselves continually to prayer, and to the ministry of the word.”

Would the Commissioners explain away that passage, and reconcile it with the Bishops serving at the “tables” of the Ecclesiastical Commission? He assured the House that among a large portion of the members of the Church of England, there was a disposition to undervalue the services of the Commission. He thought that it was as valuable now as ever it was, but at this moment there was more sympathy abroad with the parochial clergy than with the episcopacy, and they said that the Bishops had gradually abrogated the main functions of the episcopate, and that the parochial clergy had taken it up. Of what, in the primitive days, did the episcopal office consist? It was the office of pastor-teacher—the centre of spiritual life. Whatever were the powers—whatever the excellence with which the office was invested—they were derived and had their origin entirely from this function. Of old the bishop lived as the head and the father of his flock, well known by all, not only of his clergy, but of his laity—their counsellor, their comforter, and friend; the centre of the focus of their spiritual life, wielding a power purely spiritual. Such a system of things had existed in the days of Cyprian, Ambrose and Augustine, and it had been seen realised in this country, even in times not more distant than those of Andrews, Jewell, and Bedell. But alas! at present the ancient character of the *Επισκοπος* had been lost sight of, and the Bishop had become an official—his functions had been degraded and secularised, and he had ceased to be the father of his flock, or to have close relations even with his clergy, as their counsellor and friend. For the episcopal office he had a high veneration, but he could not say that he had much respect for the persons who now filled that office. He did not know any other body of men who were more blind than they to the true interests both of the Church and of the people, nor was he acquainted with any who were more perversely hostile to the ecclesiastical reform which he believed to be essential, not only to the safety of the Church, but to its very existence. He did not blame the Bishops, however, so much as the Government, who, by secularising the episcopal office, had corrupted it, weakened it, and, he might almost add, degraded it. It was by imposing worldly avocations on the Bishops, to the exclusion of spiritual affairs, that the influence of the episcopal body had been impaired, and that they had fallen in the estimation of the people. If

the Committee saw with him the impropriety and folly of persisting in a course so infatuated, they would support him in the present Motion.

Amendment proposed, page 2, line 21—

“To leave out from the word ‘England’ to the end of the clause, and to add the words ‘and the three Church Estates Commissioners so appointed shall together and exclusively constitute the body corporate of the Ecclesiastical Commissioners for England, and be entitled to exercise all their powers and privileges,’

instead thereof.

Question put, “That the words proposed be left out stand part of the clause.”

LORD J. RUSSELL said, that the proposition of the hon. and learned Gentleman was directly against the report of the Committee of that House. The change recommended by the Committee was that some further reduction of the duties should take place, and they proposed that while the larger body of the present Commission should be properly retained for the purpose of entertaining the most important questions, a smaller Committee should be appointed who should manage the property of the Church. It was quite clear that large and important questions would come before this Commission; and yet the hon. and learned Gentleman proposed the abolition of the Commission, and the substitution of the small Committee for the management of the property in the place of the larger Commission. He (Lord J. Russell) did not think that that change would be an improvement. There were some large and important questions, as he had already said, that would come under the attention of the Commission; and he did not see how two Commissioners named by the Crown, and one by the Archbishop, could undertake those questions, both for the State and the Church. The hon. and learned Member said that Cabinet Ministers would not have time to attend the meetings of the Commission; but it was for that very reason and cause that they had proposed to manage the property by means of these three Commissioners; and by the Amendment which he (Lord J. Russell) had made, he proposed that they should be enabled to transact such business, and to fix the official seal to documents, without reference to the body of the Commission. He recommended that the plan of the Committee should be taken intact, and not departed from so completely as the hon. and learned Gentleman had suggested. The hon. and learned Member had also raised in his

speech great questions, which he (Lord J. Russell) did not see that the Committee on this Bill could properly consider. The hon. and learned Gentleman had entered upon the question of the revenues of the Church, and other matters relating really to endowments, and quite inapplicable to the question before the Committee at present, and he seemed to have lost sight of the original cause for the appointment of this Commission. Not many years ago, when the Bishops took their own revenues, the incomes in some of the dioceses were very large. The Bishop of Durham was said to receive an income of 23,000*l.* a year, the see of Canterbury to bring 21,000*l.* or 22,000*l.* a year, and the incomes were very large of some of the bishops, while at the same time the incomes of others amounted to 500*l.* or 1,000*l.* a year only, and they held deaneries and other offices in the Church in order to make up their income. It was hardly to be contended that such a state of things was better than the present arrangement, or that the reductions that had been made in some of the sees was not a fitting measure. The Bishop of Durham had now an income of only 8,000*l.* a year. This and the other Commission had been called upon to transact business of this kind. If this Bill passed, he did not think they would have business to do that would occupy any very great portion of their time. The Commission had been appointed to consider large reforms, and he hoped the Committee would now agree to the report of their own Committee.

SIR R. H. INGLIS had not had the good fortune to hear the whole of the speech of the hon. and learned Member for Cockermouth, but he advised the House to pause before giving their confidence to that hon. and learned Member, not only in a matter of opinion, but upon a matter of fact; because the hon. and learned Member was not new to his subject, and he had committed himself to the statement of a fact which he would appeal to his noble Friend at the head of the Government to say, he (Sir R. H. Inglis) had a right to say was not a fact, namely, that some of the Bishops were paid three or four times as much as the noble Lord himself, and that in one case ten times as much was paid; by which the hon. and learned Member would infer, that while a Bishop enjoyed an income of 50,000*l.* a year, the Prime Minister of the country received but 2,500*l.* or 3,300*l.* a year.

MR. HORSMAN, in explanation, said,

there were certainly Bishops who had received 50,000*l.* a year; and there was one of the bishops who at this moment was generally believed to have 50,000*l.* a year. What he had said had been spoken upon authority. The fact was notorious that the returns on the table, of episcopal incomes, were utterly false and incorrect. He did not, of course, mean to say that they had been made so by the Bishops themselves; but he had on some occasions heard something of a certain cooking of the accounts. But if the Committee which he moved for had been appointed, he could have shown that the accounts of the episcopal incomes were not correct.

SIR B. HALL: * Sir, I am very glad that, after the lapse of three or four years, this matter should be brought under the consideration of the House, and that we are now able to discuss the whole question of the proceedings of the Ecclesiastical Commission. The proposition which I understand my hon. and learned Friend the Member for Cocker-mouth has submitted to the House is, that the Episcopal body should no longer form part of the Ecclesiastical Commission. In that proposition I, for one, most entirely and fully agree; and I will undertake to say, that if the whole of this country was polled, there would be found a general feeling against the proceedings of this Commission. The feeling of the people is so strong and so evident, that they would unanimously desire, as friends of the Church, that the Episcopal body should no longer continue in the management of the Commission. I will undertake to say, that the greatest odium has been brought upon that Commission by the conduct of the Episcopal body, which is the ruling portion of the Commission; and I will proceed to show the House, if they will be so good as to listen to me for a short time, that the whole of their proceedings (so far as the Episcopal body has been concerned) have been taken with a view to ameliorate their own condition, whilst they have been perfectly careless of the interests of the working clergy. It may be said that persons who take the same view of the case as I do, and who give expression to such opinions, are enemies to the Church. If all those who have good things in the Church, are the Church, and we are to call them the Church, then the allegation is so far true, that we are enemies to that system. The revenues of the Church are enjoyed by a very few persons, and the whole of

the working clergy, or at least a great portion of the working clergy, are at present excluded from the benefits of the Church, so designated; and I shall be able to show, that the Ecclesiastical Commissioners have, as I have before stated, endeavoured to enjoy as much as they could of the income of the Church, without providing for the working clergy. I did expect that a much larger measure of clerical reform would have been proposed than the Bill now under our consideration, because I well remember that when my hon. Friend the Member for Cocker-mouth brought forward the question of the fusion of the episcopal and common fund, that the noble Lord at the head of the Government, in April 1848, although he did not actually assent to that proposition, inasmuch as he moved the previous question, stated at the same time, that there were many things connected with this subject which required further consideration, before he submitted them to the House. The noble Lord, on the 4th of April, 1848, said—

“ I must state that many things have occurred to me with respect to these Acts for the amendment and reform of the Church which require further consideration, and as to which I am anxious to obtain the sanction and guidance of the Primate. I am unwilling to state my views to the House as definite opinions, until I have had an opportunity of ascertaining the sentiments of persons of such high character and unsullied purity. I therefore wish, before making up my mind upon this subject, to have a full conference with the Archbishop of Canterbury.”

We had a right to expect that as this conference took place between the noble Lord at the head of the Government, and the right reverend Prelate at the head of the Church, that some more efficient reform would have been the result; but so far from it, the only improvement is the Bill now before us, which, though it mitigates some of the abuses, nevertheless perpetuates in a slightly altered form the Ecclesiastical Commission. The best answer to the complaints that are frequently made against my hon. Friend the Member for Cocker-mouth, the best proof that what he has endeavoured to obtain is required, and the best evidence that can be afforded in corroboration of the truth of his view of the case is, that here is a Bill brought in proposing to remedy the existing state of things. If my hon. Friend had been quiescent in the matter, the whole evil would have gone on undisturbed to the present time, we should have no Bill, and not only no Bill, but we should have no proposition

whatever to remedy abuses. And it is in consequence of the exposure of the abominable abuses of the Ecclesiastical Commissioners that this Bill is brought in, and therefore I think that my hon. Friend most truly deserves the thanks of the Church and of the country for the course which he has pursued.

Allusion has been made to the statement of my hon. Friend to the effect, that there was a Bishop who, it was supposed, had an income ten times greater than that of the First Lord of the Treasury. Now, I have no hesitation whatever in declaring, that I believe the Bishop of London has, or ought to have, that amount of income. At all events, I will say this, that, representing Paddington, which is a part of Marylebone, and knowing pretty well that locality, and knowing also that it is one of the most valuable properties in the united kingdom, and that if it was well managed it ought to produce 100,000*l.* a year; knowing this, I ask, what is the return which was made by the Bishop of London, from the 1st day of January, 1837, for the seven years subsequent to that time? I think this is one of the most extraordinary documents that ever issued from the Parliamentary press of this country; and so great, I may add, was the desire to obtain this document, that within a very short period of time there was not a single copy to be obtained at the Parliamentary Paper Office, and it is only now, in consequence of the late order of the House for a second edition, that we have been able to procure copies of this most extraordinary document. It appears that, in the year 1837, the net income of the Bishop of London was 14,510*l.*, and that, in the year 1843, the net income was 12,481*l.*, thus showing a loss of no less than 2,039*l.*

Now, what was the state of the parish at that time, and what was the state of the population of the parish? Why, a great part of the large houses which now cover the Bishop of London's property were erected in that period of time; and, in order to prove the truth of this statement, I will show the House what the assessment of that parish was in the year 1837, and how it has increased largely in consequence of these buildings upon this estate. I find that, in the year 1837, the assessment of Paddington parish was 112,868*l.*, and, in 1843, it was 191,154*l.*, being an increase in these seven years of 78,366*l.*, derived from buildings upon the estate of the Bishop of London, although

he (poor man!) during that time lost no less a sum than 2,029*l.* of his income. How is it possible to suppose that this statement is correct? How can this document be correct? Is it a true—is it an authentic document? This is a very curious case, and I may mention that, at the moment I am speaking, instead of the assessment being 112,868*l.*, as it was in 1837, or 191,154*l.*, as it was in 1843, it now amounts to the enormous sum of 343,066*l.*; and I shall be anxious to see whether, when the Bishop makes his next septennial return in January next, he will still show a decreasing income.

I will now take the case of the Bishop of Exeter. In the year 1837, the income of the Bishop of Exeter was returned at 2,136*l.* (I am speaking of the income of the sees); but although the income from that see in 1837 was stated to be 2,136*l.*, in the year 1843, seven years afterwards, it is returned at 341*l.* How is it possible that such diminution could be correct, unless it is from the litigious proceedings of the right rev. Prelate, who must have put down all his expenditure against his income? Which reminds me of a clergyman resident in the diocese of London, who having a living of 1,700*l.* a year, made his return 100*l.* a year; and when he was called to account by his diocesan, he said—

“ My net income is 100*l.* a year, as it costs me 1,600*l.* a year to maintain myself and family, and all that I have at the end of the year to spare is 100*l.*; therefore I consider 100*l.* as my net income, and I return it accordingly.”

This is a fact, and I suppose the case of the Bishop of Exeter is exactly the same; because it is not very likely that he, a careful, prudent man, who has always had due regard to his worldly interest (as I shall be able to show), it is not very likely that his income would be allowed to fall, from the year 1837 to the year 1843, from 2,136*l.* to 341*l.*

Let us now look at the incomes of the Bishops. The incomes of the Bishops in the year 1843, amounted to no less a sum than 197,559*l.* 1*s.* 6*d.*, being an average of about 8,000*l.* a year for each Bishop. That is the gross income. But, in order to show how remarkably ill they manage their affairs, it appears, according to their own return, that their net income is 153,724*l.* 14*s.* 8*d.*, being a difference of 43,765*l.* between gross and net income, of which no account whatever is rendered to this House. There is another remark-

able feature regarding the Ecclesiastical Commission, namely, that from the very time that my hon. Friend the Member for Cockermouth opened his lips in this House, and ventured to make observations upon the proceedings of that Commission, from that time down to the present no report whatever has been made of their proceedings. They have been perfectly silent as regards any of their proceedings at that board. We have asked the noble Lord at the head of the Government when he thought he would be able to let us have some report from the Ecclesiastical Commissioners? The noble Lord very naturally shook his head, and said, he could not say when it would be, but he would undertake to "say" that "when this Bill was passed some report should be made annually of the proceedings of this board." However, since my hon. Friend began by exposing the impropriety of their proceedings, no report whatever has been made, and we know no more what has become of the property of the Church than does any person beyond the seas.

There is one great difficulty in touching upon this question, and in dealing with it, as I think it ought to be dealt with, and that is to make a distinction between the man holding an office, and the office itself. I confess that, as a member of the Established Church, I have great veneration for the Episcopal office, but I have very little veneration or respect for some of the gentlemen who hold that office—and that is the difference which I draw. I look upon many of the Bishops of the Church, to which most of us belong, as persons who hold a high office in the Church, for the good of the great community of which we are members, and that they ought to conduct themselves in such a manner both as regards the management of the Church property, and as regards the proceedings under this Commission, of which they are members, as to entitle them to our respect and veneration; but this I must say, in numberless instances, they have not done.

Let us look at the return which was made some few years ago. The Bishops determined amongst themselves to send in an account of their gross income, their net income, and their expected income, and we find that twelve bishops sent in a return of their gross income, amounting to 115,418*l.*; their net income they represented to be 101,061*l.*; and as to their expected income, they all concurred in stating that they believed it would be considerably

diminished, and that instead of 115,418*l.*, it might be taken at 92,106*l.* This was the expected income, which in many instances being far short of their fixed income, the right rev. Prelates made up the full amount of the anticipated deficiency, by drawing upon the Ecclesiastical fund. Some time after this arrangement they made another return of their income, by which it appeared that instead of 92,106*l.* they returned an income of 123,269*l.* So that instead of there being a deficiency on the net income of 8,955*l.* there was an increase of 22,202*l.*; and as they set down their expected incomes at 92,106*l.*, whilst, according to a subsequent return, their actual income was 123,269*l.*, it therefore stands to reason, if their own figures are correct, these twelve bishops must have divided amongst themselves 31,163*l.* more than they were authorised to receive. Supposing this had taken place amongst any party of gentlemen connected together, and who formed a sort of public board to administer property to an immense amount, which they had under control, what would be thought of them?

A statement was made to the House by my hon. Friend, three or four years ago, to the effect that on the Bishops' palaces and lands they spent no less a sum than 143,014*l.* Of this amount, 3,500*l.* was expended on the Bishop's palace at Exeter. Upon which matter I think I may comment as I go on. With regard to Exeter, there was a very curious case, which occurred not long ago: in the year 1842, the present Bishop was called upon to pay assessed taxes for the palace; he demurred to the payment on the ground that he was, and had been for some time, non-resident; he said that he had no intention whatever to reside there, and that he had removed all his furniture, and therefore he objected to pay any assessed taxes for his palace at Exeter, where he ought to have resided. The case was brought before the Judges, who determined the Bishop was liable to the assessed taxes. And what took place during the time when he made it known to all the world by bringing the case before the Judges of the land that his palace was an uninhabited house? What did he do? The palace was kept in this state of dilapidation when he applied to the Ecclesiastical Commissioners for a sum of 3,500*l.* in order to repair the building. He said, "I require 3,500*l.* to repair my palace, you must give it me;" and they did give it to him! Now, I con-

tend that the Ecclesiastical Commission had no right whatever to make such a grant, and to give that money. I asked the noble Lord upon a former occasion from what fund this money was advanced, and the answer given to me was, that it was a sum of money of which the Bishop was entitled to the interest. The present Bishop has therefore been allowed to expend the whole of this capital sum of 3,500*l.* when he ought himself to have kept his own palace in repair. He has thus robbed every one of his successors, or the episcopal fund, of the interest of this sum, which I contend he ought not to have received. Up to a very recent time all the Bishops were obliged to pay interest on all monies borrowed for improvement of their palaces, as is the case with the minor clergy. But by an Act which they very adroitly got through Parliament, the Bishops absolved themselves from all payments of the kind, and they have taken money from the episcopal fund, for which they do not pay any interest whatever, and have expended it on their palaces. That money is taken out of a fund, which, I repeat, ought to go to remunerate the minor clergy; and thus upon the enormous sum of 143,014*l.* to which I have already referred, not one shilling of interest is paid; whereas if a poor Welsh rector had borrowed 100*l.* he would be obliged not only to pay interest, but an annual sum also, in liquidation of the sum advanced to him.

Let us now go to the case of the Bishop of Oxford, who, as it will be proved, can manage his own affairs remarkably well, and his case is one of the most singular of all. He asked the Ecclesiastical Commissioners for two sums of money. I have got the case here, and if the House will allow me to refer to it, I will do so very shortly. The case comes out in the evidence of Mr. Murray, the late secretary to the Commission. It appears from this gentleman's evidence that there were two grants made to the Bishop of Oxford, one towards improving the residence, and the other towards improving the demesne of Cuddesden. The first of these grants was 3,500*l.*, and it was advanced upon the express stipulation, that the whole grant should not exceed that sum; and in order to show to the Committee how very clearly this was defined, I will read from the minutes of evidence taken before the Select Committee on the Ecclesiastical Commission, page 49, an extract of the agree-

ment entered into between the Bishop of Oxford and the Commissioners. It runs as follows:—

“ And whereas it has been agreed between us and the said Samuel, Bishop of Oxford, that the said additions, alterations, and improvements, shall be made and completed according to the said specifications and plans, and to the satisfaction of an architect to be named by us, and within a time to be limited in a contract to be made for that purpose, and that all costs, charges, and expenses, in and about the completion thereof, incidental thereto, on and above the said sum of 3,500*l.* shall be defrayed by the said Samuel, Bishop of Oxford, his executors and administrators.”

It is very clear, therefore, that the Bishop was not to receive more than 3,500*l.*, and he was to defray all extra expenses out of his own private means. But how stands the case? No sooner had he got this sum of 3,500*l.* than he demanded a further sum of 1,300*l.* at a meeting at which he himself was present, when a resolution was carried, “ That a scheme for authorising the payment out of the Episcopal Fund, of a sum not exceeding 1,300*l.* be prepared.” This scheme was prepared, and notwithstanding the previous agreement, the Ecclesiastical Commissioners granted a further sum of 1,300*l.*, making a total sum of 4,800*l.* All this took place in the year 1846. The right rev. Prelate was not however satisfied, and on the 16th of March, 1847, he wrote a long letter demanding a further sum of 1,836*l.* 3*s.* 10*d.* On the 18th of March, that letter was considered; the Bishop was not present, and it was resolved, that in the opinion of the Board the strict terms of the Orders in Council, and agreement, precluded the Commissioners from acceding to his Lordship's proposal, and that the secretary express to the Bishop of Oxford the regret of the Commissioners at being obliged to come to this conclusion. Such a reply would have silenced most persons, but not so the Bishop of Oxford; as he attended a meeting, the following week, on the 25th of March, 1847, at which were present nine bishops and two laymen; and it appears that on the Motion of the Bishop of Oxford himself, it was ordered that the opinion of the law officers be obtained, whether a mortgage of the estates of his see can now legally be sanctioned, to meet the extra expenses incurred in restoring the palace of Cuddesden. This question was put to the law officers, and their answer was, “ We think it is competent to the Commissioners now to pass a scheme.” Another

meeting was held on 6th May, 1847, consisting of two laymen and fifteen bishops, amongst whom was, of course, the Bishop of Oxford! And in complete violation of their former agreement, which was sanctioned by an Order in Council, they passed a resolution, moving, "that the Bishop be authorised to borrow from the Bounty Board, on security of the property of the See, a sum not exceeding 1,669*l.*, being the sum expended for the alteration and improvement of the palace beyond the Commissioners' grant." Thus it will be seen that the Bishop obtained a positive extra grant of 1,300*l.*, and a loan of 1,669*l.* from the funds of Queen Anne's Bounty, which ought to be applied to the improvement or augmentation of small livings.

It is true that the Bishop of Oxford is to pay $3\frac{1}{2}$ per cent as interest, and one thirtieth part annually, in liquidation of the principal. But the Commissioners of Queen Anne's Bounty cannot again be in full receipt of the sum for the use of the poor clergy for a period of thirty years! and in the next septennial return of the Bishop's income, the interest and the thirtieth part of the principal, to which I have referred, may appear as items constituting the difference between gross and net income, and the Bishop and his successors may demand to have that deficiency made good out of the episcopal fund. But this is not all. Let me here explain to the Committee the gross delusion practised upon the public by the whole of these transactions. It appears in page fifty, of the minutes of evidence already quoted, that there is a passage in the Order in Council, to this effect—

"And whereas a deficiency would be created in the annual average income of the Bishop of Oxford, if a sum sufficient to defray such expenses were to be raised by mortgage of the lands belonging to the said See, under the power for that purpose contained in the Act ;"

thus intimating that the Bishop of Oxford's income was 5,000*l.* and no more. Now, it appears by the same evidence that by the septennial return of episcopal incomes, the average net income of the Bishop of Oxford was 2,374*l.*, to which 2,626*l.* ought only to have been added for the purpose of making up the income of 5,000*l.*, but instead of this the Bishop receives from the episcopal fund 3,500*l.* annually, making a net income of 5,874*l.*, or 874*l.* a year more than the income contemplated by the Act of Parliament. But to return to the outlay upon palaces and lands.

The Bishop of Worcester receives 7,000*l.*, the Bishop of Ripon 16,111*l.*, the Bishop of Gloucester 23,627*l.* The Bishop of Rochester must needs have a new palace, and the Ecclesiastical Commissioners buy him one for 28,832*l.*, and the Bishop of Lincoln receives 54,440*l.* for his palace and the estate, which it was deemed desirable he should have.

Are not these monstrosities? And can any one have faith in these Ecclesiastical Commissioners where such facts have been made known to the public? I will undertake to say, that if we look to the period of the Papacy, from the time of Pamphilj Doria down to Braschi, (Pius VI.) who was the last Pope who built a palace at Rome, that there never was a more extravagant appropriation of ecclesiastical property.

In order to show the poverty of the clergy in these eight Sees, and how little the Ecclesiastical Commissioners have cared for them—for that is what I particularly blame them for—there are eighty-five parishes where the incomes are less than 50*l.* a year. There are 417 parishes where the incomes are between 50*l.* and 100*l.* a year: and yet upon these 502 livings, the Ecclesiastical Commissioners have spent only 5,295*l.*, whereas they themselves have spent nearly 144,000*l.* upon residences and domains for the Bishops.

Now, with regard to the manner in which the money has been squandered by the Ecclesiastical Commissioners. The manner in which this has been done, has been rendered still more evident by the very extraordinary paper which has been placed upon the table of the House this morning. It was moved for on the 3rd of May, and it is a document which might have been placed upon the table of the House the following week, but every possible delay has been placed in the way of this document being presented, and it was not presented until after repeated applications had been made. Although it was ordered on the 3rd of May, it is not laid upon our table till the 4th of July; but it is natural to suppose on reading this document that the Ecclesiastical Commissioners would not desire to be very active in complying with the order of the House; this paper is a return for copies of all applications of the Dean and Chapter of Gloucester, Rochester, Canterbury, Norwich, Winchester, Worcester, Exeter, Southwell, Peterborough, and other cathedrals, for aid in the performance of the

additional duties cast upon them by the suspension of canonries.

It will be in the recollection of the House, that some years since an Act of Parliament was passed, which enabled the Government to suspend certain canonries. These canonries are sinecures to a certain extent, and other parties residing there could have done the duty; this document is valuable, inasmuch as it shows what are the duties of a canon in our Church. If any hon. Member will be so good as to turn to page 11, he will find under the head of Peterborough, that the duties of a canon of our Church are exactly defined by the performance of a portion of the cathedral church service during one month in the year. Now, it must be admitted that this is not a very heavy duty, and I think it would have been well when one vacancy occurred, if the other eleven canons or prebends, who have immense incomes for doing this one month's service in the year, had said, "We will undertake to do this service, it will be no great amount of duty, and we will not call upon the ecclesiastical fund for any further income for the performance of this duty." In reference to these applications for additional aid, let us see what occurred in the diocese of Winchester. There were twelve canons, one of them died; and supposing the eleven surviving canons had each performed service for only three days each in the year, more than they were compelled to do, that would have been all that would have been required of them; but they declined any such reasonable proposition, and demanded payment before they would do a stroke of work beyond their single month's duty.

I hold in my hand a statement of the income which is derived from the Church by one of these canons—a Mr. George Pretyman. I find that Mr. George Pretyman is prebendary of Winchester; that he is a canon residentiary and chancellor of Lincoln; that he is rector of Chalfont; that he also is rector of Wheathampstead; to all which pieces of preferment he was presented by his late father, when Bishop of Lincoln. I find that he is perpetual curate of Nettleham, which is his own gift as chancellor. From these six pieces of preferment, Mr. Pretyman derives an income of nearly 5,000*l.* a year; but, unless the Ecclesiastical Commissioners would give him or one of his brethren 50*l.* for doing the duty of another canon for one month, not one additional service would they perform.

I consider that the fact of granting additional aid to these well-paid canons is nothing less than a reckless waste of money, which ought not to have been allowed by the Ecclesiastical Commissioners; and I cannot help thinking that they should have said to these gentlemen, "You, Mr. Pretyman, who have 5,000*l.* or 6,000*l.* a year, and you, other reverend canons, who revel in ecclesiastical abundance, we, the Ecclesiastical Commissioners, call upon you not to take this 50*l.* a year out of the ecclesiastical fund, but to allow us to give it to the poorer clergy." In the case of Rochester, the demand was not only made, but an intimation was given, that, unless remuneration was allowed, no duty would be done. On the 30th of November, 1840, the Chapter Clerk of Rochester wrote to the Secretary of the Ecclesiastical Commissioners as follows:—

"Whereas a canonry is now vacant, by the death of the Hon. and Rev. J. Marsham, the Dean and Chapter propose that the duties of the suspended canonry shall be performed by a canon or by substitute, to be annually nominated by the Dean and Chapter, and approved by the Bishop, provided a suitable remuneration be allowed to such canon or substitute, out of the proceeds of the suspended canonry."

And the amount granted in reply, it appears, was 100*l.* for the two months' duty.

With regard to these canons, I was very glad to hear what fell from the right hon. Gentleman the Member for South Wiltshire on a former occasion, when this Bill was discussed, on its second reading. I think that the right hon. Member said, that he wished to make the canons of the Church useful members of the Church; and I believe that, under the present system, they are the most useless drones of the Establishment. In fact, such offices merely afford a pretext to men to leave the duties of incumbencies, in order that they may live in comfortable houses in the cathedral closes. To any proposition that the hon. Gentleman may make, having for its purpose the rendering of these persons useful, I shall be most happy to give my support.

There was a letter sent round not very long ago, by the Archbishops and Bishops of the Church, which most of us have received, and no doubt many of us have read. It was a circular sent with reference to the Colonial Bishops. One argument which has been used by the right hon. Gentleman the Member for the University

of Cambridge on a former occasion, in reference to the large incomes at present received by the Bishops was, that they ought to have large incomes, because they spent so much in public charity. And, in answer to that, an article immediately appeared in the *Daily News*, with an account of the sums of money which were given by the Archbishops and Bishops of our Church to six of the largest and the most useful charities, which are under their own especial protection; and we find, by looking into it, that one of the Bishops, namely, the Bishop of Oxford, gives to these public charities exactly 2s. 8d. for every hundred pounds of his episcopal income. But, to return to the circular, which was sent round a short time ago by the Archbishop of Canterbury and several other Bishops, in which they set forth the destitution of the colonies, and in which they say, that it was extremely desirable that another bishop should be appointed for the diocese of Quebec. They called upon the laity to subscribe for this purpose; and the letter so circulated was signed by the Archbishop of Canterbury, the Bishop of London, the Bishop of Chester, the Bishop of Lichfield, the Bishop of St. Asaph, and the Bishop of Norwich. Upon looking over the whole donations and annual subscriptions which have been raised for this object, it appears that out of the large incomes which the right hon. Gentleman the Member for the University of Cambridge said they ought to have for purposes of public charity, only 810*l.* have been subscribed by all the Archbishops and Bishops of England, Ireland, and Wales, while six laymen have subscribed 900*l.* I think that it would be much better to give the Archbishops and Bishops incomes merely for the duties which they perform, and leave it to the laity, or the public funds, to contribute towards public charities and public institutions.

The Amendment which has been moved by the noble Lord will certainly, to a considerable extent, take the management of the property out of the hands of the Episcopal body; and, according to my judgment, it is most desirable that that Amendment should be carried, because the management of the ecclesiastical property hitherto by the Ecclesiastical Commissioners has been most blameable.

It appears, by the report of the Commission (*Liber Ecclesiasticus*, page 4), that the gross income of the Bishop of Chester is stated to be 3,951*l.* That is

according to this return; but, in the Committee's report, page 71 of the Summary, the Bishop is stated to have returned the value of the estates at 16,236*l.*; so that there is a loss, in that diocese alone, to the Church annually of no less than 12,285*l.*

As regards the Archbishop of York, as stated in the summary of the Committee, the value of his estates is 41,030*l.*, and in the *Liber Ecclesiasticus*, the gross income is only stated at 13,798*l.*; so that there is an annual loss there of 27,232*l.*, by the mismanagement of that property. Next, I come to the Dean and Chapter of Wells. The value of their estates is 23,000*l.* a year, and the average receipts only 6,700*l.*; so that there is an annual loss there of 16,300*l.* Then we come to the Dean and Chapter of Windsor; the annual value of the estates amount to 53,315*l.*, while the gross income is returned at 22,475*l.*, making an annual loss of 30,840*l.* In these four instances alone, there is a loss of no less than 86,657*l.* annually.

In the year 1838 there was a Committee appointed, which was called the Church Leases Committee, my right hon. Friend the Member for Northampton was chairman. That Committee pointed out the only remedy for these abuses, and for this mismanagement of property. The Committee made their report on the 6th May, 1839, and they say that—

“The system is equally detrimental both to the lessors and lessees, and that the only mode of remedy is by the abolition of the injurious system of fines upon leases for lives, and also upon leases for terms.”

I believe that that opinion is entertained by every body, and it was thought extremely desirable that that Committee should make themselves acquainted with the property of the Church—not the property, be it remembered, of the bishops, but the property of the Church, because some of the bishops say, “This is our property, you the Church have nothing whatever to do with it.” The Church Leases Committee, on the 11th July, 1838, made application to the Bishops and to the Chapter, Clerks for a—

“Return of the total annual value of the property in lands, houses, tithes, mines, or other property, respectively let on leases for lives, and the rate at which the renewals paid on each class were calculated at the last renewal, with the same account with respect to leases for terms of years.”

This request was sent in a most respectful manner to the bishops, and to the

deans, and to the chapter clerks. Some of their answers are very amusing documents, and they are very well worth reading. Here is one from the Bishop of Exeter:—

“The demand for information as to the particulars enumerated, even if it were authorised by Act of Parliament, I should deem a most tyrannical inquisition into my property; but proceeding as it does from a Committee of one House of Parliament, I should resist it as an assumption of power unknown to the law, even if it were urged as imperative.”

The Bishop of Gloucester says, “I am not prepared to admit the right of the House of Commons to exercise such an inquisition.” Several other bishops returned similar answers, which are published in the blue book. At the instance of the right hon. Gentleman, the Member for the University of Cambridge, a Motion was put upon the Minutes of the Committee, to the effect that these letters should not be published, and that the application to the bishops should not be published, and it was only carried by a majority of one; and we are entirely indebted to my right hon. Friend the chairman of that Committee, for these letters of the bishops, in answer to the request that they (the bishops) would give the representatives of the people some information as to the extent and value of the property which they hold as trustees.

As regards these answers to which I have alluded, I cannot let the matter pass entirely without placing before the House the names of the bishops who were so good as to answer the request of the Committee in the affirmative, and those who absolutely refused; and I shall be able to show the House that out of twenty-six Archbishops and Bishops, sixteen sent answers, namely:—Archbishops of Canterbury and York, Bishops of London, Bath and Wells, Chester, Chichester, Durham, Ely, Hereford, Llandaff, St. Asaph, Lincoln, Norwich, Ripon, Peterborough, and Lichfield, more or less, expressing their willingness to give all the information which lay in their power, in order that we might know what was the value of the Church property. (I am speaking of the year 1838.) The Bishop of Worcester (of that day) took no notice whatever of the communication, and nine prelates refused to give any account at all. The Bishop of Winchester, one of the richest prelates of the realm, was one of them; and it is a curious fact that the other eight bishops held large preferments independent of their sees. For instance, the Bishop of Bangor was archdeacon of

Bangor and Anglesey, rector of Llangristiolus, rector of Llandyrnog, and was also rector of Llanddysfuan. Here is the Bishop of Carlisle, he was prebend of St. Paul's, with a salary of 1,489*l.*, and also chancellor of Salisbury. Then we come to the Bishop of Exeter, he was rector of Shrobbrook, treasurer and prebend of Exeter Cathedral, and also prebend of Durham Cathedral. Next comes the Bishop of Gloucester and Bristol, he was prebend of St. Peter's, Westminster, and rector of Peakirk. Next the Bishop of Oxford, he was vicar of Cuddesden, at 440*l.* a year, dean of Canterbury, at 2,110*l.* 13*s.* 4*d.*, rector of Blithfield, at 388*l.*, and rector of Leigh, at 748*l.*, making a sum of 3,686*l.* 13*s.* 4*d.*, independent of his bishoprick. Then the Bishop of Rochester, he was dean of Worcester, with an income of 1,648*l.*, and rector of Bishopsbourne, with an income of 700*l.* a year. Also the Bishop of Salisbury, who was prebend in Salisbury. And then, lastly, the Bishop of St. David's, who was dean of the Collegiate Church at Brecon, and dean of Durham, which last deanery alone gave him an income of nearly 4,000*l.* a year.

Not one of these Bishops would give any satisfactory answer to the Committee, whose special business it was to report to the House, in the fullest manner, on the subject they were appointed to consider. These Bishops said, “You have no right to make any inquiry of this description, and we will refuse to give you any account whatever of the property which we have under our control.”

I will now proceed to another part of the case, and will show the manner in which the Episcopal body have enforced the duties of the clergy within their several dioceses. I will only refer for a single moment to a return which was laid upon the table of the House, a few days ago, at the instance of the right hon. Member for South Wiltshire. The House will perceive from this return, that there are 4,307 clergymen non-resident, and that of these 937 are non-resident without either exemption or licence. Nobody on earth knows why they are non-resident, not even the bishops themselves; and I consider that the sooner their Lordships are sent down to their dioceses the better, when I trust they will compel their clergy to reside on their livings, or give up their benefices, if they do not think it worth their while to reside upon them.

Although this return was ordered to be

made by the Act of the 1st and 2nd Victoria, chapter 106, it appears that out of 4,322 benefices, 1,963 are returned without any statement of the value; and this imperfect document the Episcopal body lay upon the table of the House, knowing that they have not complied with the provision of the Act, and knowing that they have not given full information, because the House will be so good as to bear in mind, that according to the Act of 1840, the bishops ought to have a return of the value of every benefice. Here no less than 1,963 benefices are returned, without any statement being made of the value, out of 4,322, being nearly 40 per cent of the whole; and we are kept in the dark as to the value of those benefices, because the bishops chose to withhold the information.

Another table shows the stipends of curates, who do the duty for non-resident incumbents, and out of 3,078 curates, there are 1,192 who have no glebe-house to live in, and of the total number there are 103 having stipends under 40*l.* a year, there are 685 having stipends under 60*l.* a year, 610 having stipends under 80*l.* a year, and 999 having stipends under 110*l.* a year. It appears by this return that there are also 2,958 curates to non-resident incumbents who have no house, and of these 370 receive less than 60*l.* a year, and 990 less than 110*l.* a year; and this all at the same period of time.

SIR J. PAKINGTON, rose to order. Sir, I put it you whether it is not the practice of this House, that hon. Members when addressing the House should speak upon the subject before us. I apprehend that the subject before the House at the present moment, is the Amendment which has been moved by the hon. and learned Member for Cocker-mouth, that the Ecclesiastical Commission should be limited to three Members, and therefore that the Bishops of the Church of England should no longer continue to be members of that Commission. Now it appears to me that the hon. Baronet the Member for Marylebone, in the speech which he has made, has been wandering in the greatest possible degree from the real question before the House, namely, whether or not the Bishops of the Church of England ought to be members of the Commission. It therefore appears to me, and I think hon. members will agree with me, that the rule of the House is that all speeches should be addressed to the subject before it. Under these circumstances

I appeal to you, whether the hon. Baronet is not out of order.

The CHAIRMAN: In answer to the appeal to me, made by the hon. Baronet who has last spoken, I beg to say that I consider the hon. Baronet the Member for Marylebone is laying a groundwork for an argument against the continuance of a certain portion of the Ecclesiastical Commission. Therefore I cannot say that the hon. Baronet is out of order.

SIR B. HALL: I have only to say, in reply to the observation of the hon. Baronet the Member for Droitwich, that the question before the House is whether the Episcopal body shall continue to sit as Ecclesiastical Commissioners, or whether the Ecclesiastical Commission should be confined to three persons—two to be appointed by the Crown, and one to be appointed by the Archbishop of Canterbury. That, I apprehend, to be the question before the House. I am endeavouring to argue in this respect, that the Ecclesiastical Commission, as it is at present constituted, is not worthy of the confidence of the people, and I am going mainly to show, and perhaps the hon. Baronet will be so good as to listen to me, (because he cannot have done so up to the present period,) I am endeavouring to show, that the Episcopal body have taken manifest care of their own interest—that as regards the poorer clergy, and those who do the hard work of our Church, they have not been sufficiently considered—and it would be much more expedient and beneficial for the Church at large, if the Episcopal body had less occasion to remove themselves from their dioceses and were to attend to the interest of the working clergy, and their flocks rather than their own interest at the board of the Ecclesiastical Commission in London. I am excessively surprised to find that the hon. Baronet should interrupt me at the time I was entering upon the case of the poor curates, who do all the hard work, who are worthy of commiseration, but who do not receive adequate compensation for their valuable services; and I contend that if the Episcopal Commissioners, instead of expending these vast amounts of money in building their own palaces, had given more to the working clergy, they would have been much more worthy of the confidence of this House. I shall now go on with my statement.

Here are 2,958 curates to non-resident incumbents: they have no house, and of these 370 receive less than 60*l.* a year, and 990 less than 110*l.* a year income.

The argument is this—Would it not be better that these poor men should be paid rather more, and the bishops rather less? And who has the control of this money, but the bishops themselves? And therefore I say that, acting as they have done, they are unworthy to remain on the Ecclesiastical Board. I never was in that board room, and I do not know what may be the rules which regulate their conduct, but I think that it would be very desirable that the right rev. Prelates should have before them in large and manifest letters the 34th chapter of Ezekiel.

Now let me ask, whether they have attended as Commissioners to one of the most useful institutions as regards the interests of the working clergy, I mean Queen Ann's Bounty? Have they attended to the abolition of pluralities? Have they attended to the interests of the poorer clergy? Have they suggested any remedy whatever while sitting at their board, in Whitehall, for the abuses which exist in their own courts? Have they done anything towards removing the abominations in those ecclesiastical courts? Have they ever attempted to set upon a right and proper footing the cathedral establishments? And have they ever attempted to make the prebendaries do their duty?

Let us go into some of these cases *seriatim*: first of all I will refer to what their conduct has been with reference to that most useful institution to which I have already alluded, namely, Queen Anne's Bounty. Their attendance has been most constant as Commissioners at the Ecclesiastical Board; their punctuality as regards their own interests has been extraordinary. But let us see how they have attended at Queen Anne's Bounty Board. The revenue of that fund is about 180,000*l.* a year, the expenses of the office about 4,000*l.* a year, and other expenses about 7,000*l.* a year, making a total therefore of about 11,000*l.* a year. In 1848 there were seven meetings of the governors, three committees, ten in the whole. There are twenty governors. At these ten meetings, the Archbishop of Canterbury attended nine times (I mean the late Archbishop, who was certainly most exemplary in his attendance), the Bishop of Oxford eight times, the Bishops of Chichester and Winchester six times, the Bishops of London, Worcester, and Bangor five times, the Archbishop of York and Bishop of Norwich four times, the Bishops of Carlisle, Lichfield, Gloucester, Bristol, and Salis-

bury three times, the Bishop of Durham with his 26,000*l.* a year attended only once; and the Bishops of St. David's, Lincoln, Llandaff, Ripon, Rochester, and St. Asaph attended only once during the whole year.

With regard to these Prelates whose names I have mentioned: the Bishop of Salisbury, in the year 1845, received for his income, 17,000*l.* instead of 5,000*l.* which was contemplated, and he now recommends 1,500*l.* a year for a dean, and says that that is the smallest sum that a dean ought to have. We all know that a dean does nothing, and therefore probably the bishop considers that he does a great deal himself when he attends Queen Anne's Bounty Board three times, although he receives 17,000*l.* in one year. There is the Bishop of St. Asaph, who stated in the other House of Parliament, that he as a bishop is the hardest-worked man in the kingdom, and that there was nothing equal to the work which a bishop had to go through; and he certainly in the year 1848 only condescended to attend once at Queen Anne's Bounty Board, where the interests of poor clergymen are considered.

I go on, with regard to the meetings of the Building Committee for these poor clergymen. There are thirteen Commissioners, or there were thirteen Commissioners in the year 1849. The buildings were to be paid out of this fund. There were eighteen meetings. Will it be believed that at only three of these meetings more than two members were present? And very frequently these were not members of the Episcopal body. The Bishop of London never attended once. The Bishop of Lichfield never attended once. The Dean of Westminster never attended once! Archdeacons Coleridge and Harrison never attended once during that year; and at the meetings of the board since the appointment of Commissioners, by letters patent, dated August the 25th, 1845, there were twenty-one Commissioners, and there were sixteen meetings, and in 1847 the Bishop of Winchester attended four times, the Bishop of Lichfield five times, the Bishop of Llandaff once, the Bishop of Lincoln, the Bishop of Chester, and the Bishop of Hereford not at all. And it seems probable that the only time the Bishops attended was, when they wanted to borrow money from this institution, because it is well known "from the year 1829 to 1847, the bishops borrowed, at low rates of interest, the sum of 80,000*l.*

of Queen Anne's Bounty, to build and repair their own palaces, repayable by easy instalments in from twenty to forty years." And this it would seem has been the chief purpose for which they attended at the board of Queen Anne's Bounty.

I contend that one of the most desirable objects for these Ecclesiastical Commissioners to have attended to, would have been the abolition of pluralities. Every Thursday the Episcopal body meet round that board to talk over their affairs, and if they desired to carry out that which this House desired they should do, and which every member of the community desires they should do, and which they are bound to do, they would have suggested some scheme by which the abolition of pluralities might be effected. So far from having endeavoured to abolish pluralities, I will presently show the House an instance in this very diocese, in which we now sit, where the most monstrous case of pluralism has arisen within the last few years, under the immediate sanction of the Bishop of the diocese—I mean that of Archdeacon Hale, who ought to attend to his duties and overlook the clergy generally, and who as Archdeacon is called *Oculus Episcopi*. But I will first take some other cases of pluralities—pluralities that exist, which are numerous, and are a disgrace to a Christian Church, and we have a right to complain of the conduct of the Ecclesiastical Commissioners, for having not only allowed them to continue, but to have sanctioned an increase to the number within the last few years. There are four canons at Canterbury, with eleven pieces of preferment, and they divide 11,722*l.* a year between them. There are four canons at Ely, with eighteen pieces of preferment, and they divide 11,859*l.* There is one rev. gentleman, holding office in the diocese of St. Asaph, (which will illustrate one of the benefits conferred upon Wales by English bishops.) This is the case of the Rev. C. S. Luxmore, who is dean and chancellor of St. Asaph, annual value 1,185*l.*, prebendary of Hereford 500*l.*, rector of Bromyard 70*l.*, ditto of Darowen 79*l.*, ditto of Cradley 957*l.*, being a total of 2,722*l.*, though I believe this to be a very low estimate. There is another gentleman of the same name, and of the same family, the Rev. J. H. M. Luxmore, who is canon of St. Asaph, with 550*l.* a year—sinecure rector of Llanarmon, 345*l.*, ditto Whitford, 39*l.*, rector of Marshwell, 708*l.*, perpetual cu-

rate of Morton, 669*l.*, making a total of 2,261*l.* All these pieces of preferment held by the rev. gentleman are in addition to church leases of great value. They are the relatives of a former Bishop of St. Asaph, and know no more of the language of their Welsh flocks than that of the Chinese; and by appointments such as these, the Church in Wales has been deeply injured, and brought into ridicule and contempt. If the House will allow me, I will tell a very short story, which will show the effect of sending us people who do not understand the language of the country—though with regard to an observation which was made the other night by my hon. Friend the Member for Cockermouth, I will do the noble Lord at the head of the Government the justice to say, that from various communications which reached me at the time, the noble Lord appeared to be himself actuated by a desire to appoint a person to the see of Llandaff, who was not only well fitted to undertake the duties of a bishop generally, but from his perfect knowledge of the Welsh language, to be entirely qualified as a Welsh bishop, and consequently acceptable to the natives; but whether the noble Lord has succeeded in this or not, still remains to be proved. Now, to show the House the ludicrous and ridiculous effect of a bishop's deficiency in not being master of the language of his native flock, I may mention, that not very long ago there was an examination, made before a bishop who was desired himself to examine some adults, and therefore of course it was conducted in English. It took place in the library of the palace. The bishop desired a youth to "repeat the Parable of the Sower," which a lad did by rote like a parrot; and the bishop then desired him to explain the meaning of such a passage. The bishop said to him, "Tell me what you mean by 'birds of the air.'" To this there was an inability to comply, and the bishop gave him the interpretation in English, ordering him afterwards to tell him what he had explained, and saying, "What are birds of the air—you have got plenty in your parish?" The man seemed to understand these words, and said, energetically, "No, there is not one in our parish—not one." It appears by an explanation which he afterwards gave to his friends in his own language, that he had understood the bishop to have explained to him that birds of the air meant, "gay girls, that went flaunting to church, and cocked their caps at the congregation,

out shook their heads at the parson!" I could mention a hundred instances of the same kind, which are, and ever must be, the result of allowing persons to hold ecclesiastical offices in Wales, who are totally ignorant of the language, or have an imperfect acquaintance with it; and the Church is necessarily brought into contempt. Not long ago an unqualified clergyman intended to say in Welsh (on occasion of the famine in Ireland), that there would be a collection for the Irish in that church next Sunday; but what he really did announce to his astonished congregation was, that "there would be a hunting of the Irish on the next Sunday in that church."

Now I come back to the case to which I before alluded of the enormous pluralist, in the diocese of London, because it may be said, that all pluralities are old, but I will show one within the last few years; it is the case of Hale, Archdeacon of London, 666*l.*, in addition to which, in 1840, he was appointed Canon of St. Paul's, 200*l.*, Master of the Charter House, 400*l.*, Vicar of St. Giles's, Cripplegate, 1018*l.*; making a total of 5,284*l.*, and all these appointments were made between 1840 and 1847, during the whole of which time the Ecclesiastical Commissioners were sitting. How, in the name of Heaven, is it possible that any man can attend to all these duties at the same time? Here is another—Archdeacon Crofts. This gentleman has ten sources of clerical income, and has only visited one of his livings once in twelve years. This income amounts in all to 5,548*l.* 14*s.* 10*d.* The Ecclesiastical Commissioners have connived at all this, and it is now proposed that they should remain where they may continue to do so. I say they ought to be dismissed at once; and I further say, that if we had employed persons to attend to our interests, and the property that belongs to us, and that they had neglected and mismanaged every thing, as these Ecclesiastical Commissioners have done, we should have dismissed them with indignation. I would therefore not let them down by degrees, but dismiss them at once.

Still there is one case of plurality which they have done away with, and its details are so curious, that I cannot help noticing it. It is the case of the Bishop of Rochester. In June, 1845, the Commissioners fixed the income of every future Bishop of Rochester at 4,500*l.*; and the present Bishop having returned his average

net income of seven years, ending 1844, at 950*l.*, the Ecclesiastical Commissioners should have given 3,550*l.* to make up the deficiency, but instead of that they determine that 3,640*l.* shall be given. The year after, the Bishop of Rochester made an application to the Commissioners, and said, if they gave him the 4,500*l.*, at which the income of future Bishops of Rochester was fixed, he would relinquish his pluralities. Let us now see what he did give up, and what he received. The deanery of Worcester, and the rectory of Bishops Bourne, realised 2,300*l.*, and he gained 1,300*l.* a year by the transaction. Who would not give up pluralities for such an exchange as this? The Bishop of London's diocese is undoubtedly too large for any one man to do the duty properly, and the present Bishop gave up the county of Essex to the Bishop of Rochester, telling the Bishop of Rochester, if he would take the county of Essex, it would relieve him (the Bishop of London). This arrangement was entered into, and the estate of Danbury was bought, at a cost of 28,832*l.* for the Bishop of Rochester; but although the Bishop of Rochester took upon himself the performance of the duties, the Bishop of London retained, and still holds, all the valuable patronage of the county of Essex.

But the duties performed by the Bishop of Rochester do not seem to be of a very onerous character in the county of Essex, according to a letter from a clergyman in his diocese, who says—

"The bishop holds his visitation every third year; the only time, except at a confirmation, that his clergy ever see him, and you will see, by enclosed receipts, number two and three, that he exacts from each of his clergy 6*s.* 8*d.* for attending upon him. Upon such occasions it is true that the clergy are invited to dine with the bishop at an hotel afterwards; but the clergy pay for their own dinners, while the bishop pays for the wine, which is the least expensive of the two."

I do not know whether this is altogether complying with the Apostle's injunction, that bishops are to be "given to hospitality." In order to show the difference between the working clergy and those who do comparatively little, the one who receives the least and the other most, I will point out the difference between the Archbishop of Canterbury, and a Canterbury curate. He was Bishop of Chester for twenty years, he was Canon of Durham twenty-eight years, and he has been Archbishop of Canterbury two years, so that he has received out of the Ecclesiastical

funds 174,000*l.* Now, supposing that a Canterbury curate had been born at the commencement of the Christian era, and had received the sum which he is now paid, from the year of our Lord 1, to the year 1851, he would have received exactly 129,500*l.*, which would leave a balance in favour of the Archbishop of 44,500*l.* But this is not all. Here is John Bird Sumner, Archbishop of Canterbury, 15,000*l.* a year, two palaces, namely, Lambeth and Addington Park; and Charles Richard Sumner, Bishop of Winchester, 20,000*l.* a year, two palaces, Farnham Castle and Winchester House; George H. Sumner, chaplain to the Archbishop of Canterbury, and also chaplain to the Bishop of Winchester, curate of Crawley, Hampshire; J. H. R. Sumner, chaplain to the Archbishop of Canterbury, rector of South Church, Essex (in the gift of the Archbishop); John M. Sumner, rural dean, rector of Buriton, Hampshire; Robert Sumner, rector of Calbourne, Isle of Wight (gift of the Bishop of Winchester); John Thomas, son-in-law, domestic chaplain to the Archbishop of Canterbury, rector of Wyke Regis, 1847 (gift of the Bishop of Winchester).

I remember some time ago, before the Police Act was introduced, the case of an Irishman who applied for the appointment of watchman, and being asked what he was, he said, "Please your honour, I am a natural born watchman." Certainly the Sumners appear to be all "natural born clergymen." It would not be fair to look at only one side of the Church; for unhappily our Church is divided into two parties—the Archbishop of Canterbury being at the head of one party, and the Bishop of Exeter at the head of the other. The Bishop of Exeter has distinguished himself very much lately by his love for legal proceedings; and I have no doubt that the diminution of his income is, as shown in the septennial return, very much owing to the enormous legal expenses which he has been put to, and which probably he charges to the Episcopal fund.

The Bishop of Exeter has been nineteen years bishop of the diocese at 2,700*l.* a year, making a sum of 24,300*l.* He has been canon of Durham twenty-nine years, at 3,000*l.* a year, making a sum of 57,000*l.* He has been rector of Shobrooke twenty years, at 400*l.* a year, making a sum of 8,000*l.*; and he has also been rector of Stanhope eight years, at 5,000*l.* a year, making a sum of 40,000*l.* He has, there-

fore, received a sum of 129,300*l.*; and if we take a poor curate in my country, at an income of 40*l.* a year, and at that rate, reckoning from the commencement of the Christian era, a Welsh curate would have received 74,000*l.*, thus leaving a balance in favour of the Bishop during the last few years of 55,300*l.*

We go on to others of the same family. Here is W. J. Philpotts, precentor of Exeter, in 1840, and archdeacon of Cornwall, in 1845, prebendary of Exeter in 1840, chaplain to the Bishop, vicar of St. Gluvias in 1845, (I believe he does not reside there). All these are in the gift of the Bishop of Exeter. So much with regard to one son. Now to another, E. C. Philpotts, chaplain to the Bishop of Exeter, rector of Lzant, 1847, in the gift of the Bishop. Then there is another son, Thomas Philpotts, vicar of St. Feock, 1844, in the gift of the Bishop. Then there is his son-in-law, Francis Du Bouley, rector of Lawhitton, 1839, in the gift of the bishop. There is another son-in-law, R. Stephens, sub-dean of Exeter, 1840, in the gift of the Bishop, and vicar of Donsford, 1844. Then there is H. R. Surtees, nephew of the Bishop, vicar of Stockland, 1846, which lapsed to the Bishop. All these pluralities have been created within ten years, during the time that the Ecclesiastical Commissioners have sat, whose duty it was to endeavour to abolish pluralities, and I wonder whether all these gentlemen have been lately examined, as to the doctrines of Baptismal Regeneration?

I remember that in an old book, entitled *Corpus Juris Canonici*, there is a chapter headed, *De Significatione Verborum*, and in it is this remarkable definition, *Clericorum filii vocantur nepotes*; but here in the family of Philpotts, we have sons, and sons-in-law, and nephews; in fact there is no end to the same family; and if my hon. Friend the Member for Droitwich will listen, I think he will find these remarks very applicable and apposite to the present case. I was looking the other day, at the life of one of the most admirable bishops that ever adorned any country. I allude to Dr. Wilson, Bishop of Sodor and Man. He was bishop fifty-eight years. He died at the advanced age of 93; he began his career by refusing a valuable distant living, which he was offered on condition of non-residence, at a time when he had only a

stipend of 50*l.* a year. Bishop Wilson refused three rich English bishoprics, from three different Sovereigns, rather than leave his comparatively poor and humble bishopric in the Isle of Man, because he believed that he was better qualified to be useful in the sphere in which he was placed. Bishop Wilson addressed a letter to his children, which is preserved, and from which, with the permission of the House, I will read this extract :—

“ My children, if I do not live to tell you why I have saved no more for you from my bishopric, let this satisfy you, that the less you have of goods gathered from the Church, the better the rest that I leave you will prosper. Church livings were not given to make families, or to raise portions out of them ; but to maintain families, to keep up hospitality, and to feed the poor.”

I think, if these words of Bishop Wilson, who is admitted by all parties to be one of the brightest models for imitation, had not only been engraved upon the hearts of our present bishops, but acted upon by them, they would have done their duty much better, to the vast communities that they have had to superintend, than appears to have been the case, and I recommend the above words to the especial notice of Bishop Philpotts. As regards generally the functions of the Episcopal body, as Ecclesiastical Commissioners, I must say that they are deserving of the strongest censure, and the greatest reprobation. I know well the difficulties that the Government have to contend with, and so long as that Episcopal body is allowed to sit in the House of Lords, side to side with the Ministers, exercising the enormous power which they have there, and almost invariably voting against them, whenever they bring forward any proposition for the reform or the amendment of the abuses of the Church—I consider that under such circumstances, any Government must have difficulty in bringing forward amendments of ecclesiastical law. But still the time has come, when the Episcopal body have shown themselves so unworthy of confidence as men of business at their board (excepting when their own individual interests are concerned), that Government ought not to shrink from the responsibility and the inconvenience of bringing the whole matter of the ecclesiastical property under the consideration of the House, and insisting that those abuses of finance, which exist at present, and which have been sanctioned by the Bishops, which they would not give up, and which they actually refused a Commit-

tee of this House to have any inquiry into, should be brought under the consideration of the House; and I do most sincerely hope and trust that the Committee will not now be content, merely with the valuable, though limited, Amendment of the noble Lord at the head of the Government, that there should be a Committee of the Estates, at which the Ecclesiastical Commissioners should not sit, but that the Committee will now determine—that the Bishops ought to be altogether excluded from the board, the business of which they have certainly shown themselves unfit to transact ; while we, the members of the great community of the Church, if we desire to see it prosper, ought to insist that the whole property of the Church should be put upon a better and more secure basis.

SIR G. GREY said, that a large portion of the hon. Baronet's observations had nothing whatever to do with the question before the Committee, perhaps arising from the fact of his being unacquainted with the statutable duties of the Commissioners. The hon. Baronet had cited many instances of pluralities, which were no doubt much to be regretted; but the fact was, that the Commissioners had no power of dealing with the question. He knew nothing of the case of Archdeacon Hale; but it did not appear that the hon. Baronet's remedy of sending the Bishops to live on their dioceses would have done much in that case. It would be impossible for him to follow the hon. Gentleman into the particular acts of every Bishop, nor would it at all conduce to the object in view, which was to place the management of the property in the hands of a smaller body, an object which the hon. Gentleman himself admitted was desirable. With regard to the sums expended on the episcopal residences, all the cases referred to by the hon. Gentleman had been investigated by a Committee of that House, and every Member had the opportunity of seeing the explanations which had been given. He must, however, remind them that in speaking of the aggregate of the amount expended in this way, only a small portion had come out of the episcopal fund, properly so called, the rest having accrued from the sale of other episcopal property, in carrying out arrangements for changing the place of residence of the Bishop, which change had been for the benefit of the Church. In adopting the proposal of his noble Friend at the head of the Government, to place

the whole management of the property in the hands of an Estate Committee, they would be carrying out the view of his hon. Friend the Member for Malton; and he hoped the Committee would adhere to the recommendation of the Select Committee by sanctioning the larger body for general purposes, but placing the property under the management of a limited body.

SIR J. PARKINGTON wished to say a few words to relieve the character of a connexion of his, the Bishop of Rochester, from the injurious imputations which the statements of the hon. Member for Marylebone were calculated, if allowed to go unanswered and unexplained, to cast upon it. The hon. Gentleman said, that that Bishop was one of those who had spent large sums in building and improving the episcopal palaces, and that not being content with the palace attached to the see, he had expended upwards of 20,000*l.* on a palace in Essex. Nothing could be further from the fact. The expenditure referred to arose from the alteration in the limits of the diocese, by which the old palace at Bromley was no longer within the limits of the see; and had the Bishop remained there he would have been non-resident. But that palace had been sold, and the amount obtained for it had far more than paid the expense of the new palace in Essex. The hon. Gentleman had made another statement equally unfounded and still more invidious. He had said that the Bishop of Rochester had made a merit of giving up his pluralities, but had increased his income by 1,500*l.* a year by the change; but the truth was that the pluralities the Bishop surrendered were of more value than the bishopric.

SIR B. HALL explained that his statement had been founded on the only documents which the Ecclesiastical Commissioners had made public as to the value of the bishopric; and the value of the pluralities he had obtained from the *Clergy List*.

MR. GLADSTONE complained that the hon. Baronet should have stated that 54,000*l.* was laid out on a palace for the Bishop of Lincoln; but nothing could give a more unjust impression than to leave it to be supposed that this sum was taken out of a fund which would have been available for the support of the working clergy. The object of the hon. Baronet, in drawing a distinction between the Bishop of London and the working clergy was simply absurd; he might as well draw a dis-

tinction between the noble Lord at the head of the Government and the clerks in the Treasury Office. There could be no doubt the noble Lord worked three times as hard as any clerk; and there could be as little doubt that the Bishop of London worked three times as hard as any clergyman. With regard to the individual cases brought forward by the hon. Baronet, he thought they had been sufficiently answered; but whether that were so or not, he protested against the faults that might occur in the proceedings of the Ecclesiastical Commission being put upon the shoulders of the Bishops. No doubt the Bishops had great influence in the Commission; but unless it could be shown, which he believed it could not, that the laymen on the Commission divided in a minority against the Bishops, it was plain that the Bishops ought not to be selected for special blame. He believed that in all the proceedings that took place in the Commission, the Bishops and the laymen were, to use a common phrase, tarred with the same stick. He confessed that he anticipated the most salutary effects from the operation of the Amendments proposed by the noble Lord at the head of the Government, as he believed it would lead to an economical use of the funds of the Church, and to a far more effectual dealing with them.

MR. J. E. DENISON, as chairman of the Committee which had sat upon this subject, said, that though they had thought the present constitution of the Ecclesiastical Commission to be very faulty, they had deemed it their duty rather to amend than to remodel it; and the recommendation of the Committee was that matters connected with the administration of property should be separated from matters peculiarly ecclesiastical. If the Bill stood as it had been originally introduced, he should have been exceedingly dissatisfied; but he joined with others in thinking that in consequence of the valuable amendments made by the noble Lord at the head of the Government, the Bill would be a great improvement on the present system.

MR. HORSMAN replied: He admitted that the Bill, as amended by the noble Lord, had been considerably improved; but it still appeared to be very objectionable, because the Estates Committee was to consist of five members, of whom three were to be named by the Episcopal bench. He believed that many of the difficulties of the Church arose from the Bishops not

being confined sufficiently to their spiritual duties, but having this enormous amount of secular business forced upon them. He should divide the Committee.

MR. W. P. WOOD said, no doubt it was extremely desirable that the Bishops of the Church should have as little secular occupation as possible; but it seemed to him that the proposition of an Estates Committee, coupled with the Amendment of the noble Lord at the head of the Government would, in fact, withdraw all secular occupation from the general body of the Commissioners, and leave to them matters of a purely spiritual nature. At the same time he should like to have seen some difference in the constitution of the Estates Committee. He did not like the Archbishop naming one who was to hold during his pleasure, and the Commissioners naming two to be appointed annually. It would have been far better that they should be perfectly independent, and that these three at least should hold their offices for life.

The Committee divided :—Ayes 60 ; Noes 22 : Majority 38.

Clause agreed to.

On Clause 2,

MR. J. E. DENISON proposed an Amendment to the effect that each of the three Church Estates Commissioners should receive a salary—that of the third to be 1,000*l.* a year. He strongly urged the House to support this recommendation of the Select Committee. The property under the jurisdiction of this Commission amounted, including tithe rent-charges, leases, and other matters, to not less than 70,000,000*l.* This was a more important question than it might seem at first sight, as ultimately all the Church property of lessors would fall into the hands of this Estates Committee, and some central authority was necessary to administer such a vast amount of property. The House had a right to expect that all the attention which could be given by paid Commissioners should be bestowed by the gentlemen to be appointed. He understood Mr. Lefevre was to be appointed, and it would be impossible to make a better appointment. But the evidence of Mr. Lefevre himself, before the Parliamentary Committee, was in favour of the business being delegated to a small Committee of five or six, of whom at least two should be paid; and, he added, that though an active member of the Commission, he could not attend to it sufficiently, and he

did not think the business would be properly conducted until gentlemen were appointed whose sole duty it should be to attend to it. It was now proposed that the Chief Commissioner should receive 1,200*l.*, and the Second Commissioner, 1,000*l.*, obviously an inadequate amount for the management of property which would reach 70 millions. It was most desirable that the recommendation of the Committee should be carried out, for the appointment of three paid Commissioners.

MR. GLADSTONE opposed the Amendment. It was principally grounded on the immense amount of property which would come under the management of the Commissioners; but at present that property was not one-third of the amount. It would be a great error to appoint officers with large salaries before the duties arose; it was a much more natural course to make the additional appointments when the increasing duties called for them. The Parliamentary Committee had recommended three paid Commissioners, not on account of the duties, but to create a counterbalance to the two appointed by Government. Though he did not think the salaries proposed by Government at all too high, he would recommend the Committee not to divert those funds which ought to be applied in relief of spiritual destitution to the payment of unnecessary salaries. There was no evidence whatever of the necessity of a third Commissioner. Regarding Mr. Lefevre's services as extremely valuable, he should rejoice in his appointment, and was confident that his services would be as efficient without a salary as with one.

SIR G. GREY did not think the present duties of the Estates Commissioners would require that more than two of them should be paid; but if other duties should be thrown upon them hereafter, either by the increase of the property to be dealt with, or by any measures adopted by Parliament in consequence of the report of the Commission presided over by the Earl of Harrowby, or from any other cause, it would be quite competent for Parliament then to increase the number of paid Commissioners. No doubt the Committee recommended three paid Commissioners; but it appeared to the Government that there might be secured the services of a third Commissioner, who, receiving a salary (it might be) from some other office, but being able to devote a large portion of his time to the business of this commission, might be as

efficient as a paid Commissioner; and it had therefore been thought desirable that in the first instance this plan should be proposed—corresponding in spirit and substance, though not precisely in the letter, with the recommendation of the Committee. The hon. Member for Malton had referred to the evidence of Mr. Lefevre; what Mr. Lefevre proposed was a small Committee of five or six, “two or three of them to be paid.”

MR. W. P. WOOD felt assured there would be quite an adequate amount of duty for the members of this board to perform. He believed in practice it would be found better to have the work done by paid Commissioners, for they would carry into effect the objects in view in a more effectual manner than a board like the present. It was proposed that two of the Commissioners should be appointed by the Crown, and one by the Archbishop of Canterbury, and two should be elected by the Commissioners themselves. The result, he feared, would be, that by not paying one of the Crown Commissioners, there would be a want of inducement to ensure his attendance. The business to be transacted was purely the management of property; if it had been at all of a spiritual character, he should have taken a different view of the question from what he had. He believed if the ecclesiastical property had been in the hands of State Commissioners, they never would have incurred that loss which had recently fallen on them.

SIR B. HALL advocated the intrusting the property to three paid Commissioners. Indeed, as for the Bill as now proposed, we might almost as well have the old commission, for we should have, in effect, three Commissioners on the part of the Episcopal bench, and but two nominated by the Crown. As one of the Commissioners named by the Crown might sit in Parliament, and thus have his time much taken up, it was the more desirable that the other should devote his whole time to the business.

MR. HORSMAN was quite certain that the Commissioners would find they had much and very important work to occupy them.

LORD J. RUSSELL thought that if in consequence of the report of the Earl of Harrowby's Commission, or otherwise, other business should be added to what was at present to devolve upon these Commissioners, or if the business should increase, it might be very proper that there should

be a third Commissioner receiving a salary; but as the case stood at present, he was of opinion that it would be sufficient that there should be two paid Commissioners.

LORD H. VANE believed it would be economical to consolidate certain other ecclesiastical boards with this commission.

MR. J. E. DENISON would not press his Motion after what had fallen from the Government.

Motion, by leave, withdrawn.

Clause agreed to; as were also Clauses 3, 4, and 5.

Clause 6.

SIR B. HALL said the country was disgusted from one end to the other at the conduct of the present Ecclesiastical Commissioners. It appeared that this board was in effect to be continued by the present clauses, for the constitution of the board would be such as to give the nomination of only two Commissioners to the Crown, while three would be named by the Church. He thought the proper course of proceeding would be to strike out this clause, and he should make a Motion to that effect. It should be remembered that what was called church property belonged to the public, and not to the bishops and clergy. The public ought to be fairly represented in the commission, which would not be the case if this clause was suffered to remain in the Bill.

LORD J. RUSSELL said, that the Committee of that House recommended that there should be three paid Commissioners; but the Committee evidently at the time contemplated that some of the present Ecclesiastical Commissioners should be members of the board. What the hon. Member for Marylebone proposed, was going beyond the recommendations of the Commissioners. The Government proposed at present that there should be only two paid Commissioners, as they believed the object of the Committee would be carried out by the plan they proposed. He could not agree in all the censure which had been passed on the Ecclesiastical Commissioners. The number of Commissioners had been increased from thirteen to fifty, and it certainly appeared that the board was less effective than it formerly was. It had happened that business had been transacted in such a way as to lead to mischief; and this to some extent might have arisen at a time when Members of the House could not attend the meetings of the board. By this means a great deal of irregularity and want of efficiency had arisen in the

transaction of business; it therefore was very proper that they should consider the construction of the board with a view to a change. He did not think there was any ground for the assertion that it was the opinion of the Committee that some of the present Commissioners should belong to the proposed board. He did not admit the truth of the charge, so often repeated, that the Bishops endeavoured to exercise an undue influence and power through the medium of this board. It should also be remembered that some lay members were to be appointed by the Crown, on this board, who would be most efficient men of business.

MR. HUME could not help feeling that no answer had been given to his hon. Friend the Member for Marylebone; he trusted, therefore, that he would press his Motion to a division. The noble Lord said that there was no ground for suspicion at present. If that were the case, why was the present Bill introduced?

SIR J. TROLLOPE wished to make a few observations in reply to what had fallen from the hon. Member for Marylebone in the early part of the evening. He could state that the hon. Member was altogether wrong as to the statement he had made respecting the diocese in which he (Sir J. Trollope) resided. The hon. Member for Marylebone said the case of the Bishop of Lincoln was the most flagitious that had come under his notice. The hon. Gentleman said the Bishop of Lincoln had obtained 54,000*l.* from the Ecclesiastical Commissioners. Now the sum total which the right rev. Prelate had received was 6,200*l.*; in fact, only one-ninth of the amount stated by the hon. Member. The other portion of the 54,000*l.*, which had been laid out in the purchase of the estate, had been derived from the sale of property belonging to the diocese situated in other places. This property had been sold at its full value. There was another case also in which the hon. Member had greatly overstated the amount received by a bishop. The hon. Gentleman said the Bishop of Rochester had sold the episcopal residence at Bromley, and had purchased another in Essex at the cost of 24,000*l.* Did the hon. Gentleman know that the episcopal residence at Bromley was sold for 30,000*l.*, so that by this arrangement the Ecclesiastical Commissioners were gainers to the extent of 6,000*l.*? The residence at Bromley was sold because by the new arrangements which were made in the several dio-

ceses, that place had ceased to be in the diocese of Rochester.

MR. GLADSTONE said, that it was clear by this and subsequent clauses that two of the Church Estates Commissioners must be a party to every transaction at the board. It distinctly stated that the Crown Commissioner must be present and concur in every proceeding. As two of the Church Estates Commissioners were to be nominated by the Crown, and only one by the Archbishop of Canterbury, it was clear that the former must have a preponderating influence at the board.

MR. MANGLES said, if the whole five were present, the two might be out-voted.

SIR G. GREY said, that two members of the corporation, of whom one at least should be a layman, to be appointed by Ecclesiastical Commission, were to be members of the Estates Committee in addition to the Church Estates Commissioners; from which it would appear that they should *ex necessitate* be Church Commissioners.

MR. HUME said, that if three out of the five Commissioners were to be Ecclesiastical Commissioners, it would be giving a direct majority to the Church.

SIR G. GREY said, that if the clause was struck out, Members of the Commission, of high business qualifications, like the right hon. Member for Ripon, would be excluded from sitting on the Estates Committee, which would be very undesirable. It was certainly intended that two of the Church Estates Commissioners should be included in executing the Act. If the suggestions now made were adopted, they would have the effect of excluding the Estates Committee from taking any part in the management of the Commission, which was very undesirable.

MR. HENLEY thought the clause was not very clearly drawn. For example, there was nothing in it, so far as he could see, to prevent the rest of the Commissioners dealing with the estates, the management of which they were told was to be exclusively confined to the Estates Committee. Were there to be two authorities in this matter—the Estates Committee and the body of the Commissioners at large?

LORD J. RUSSELL would not pretend to say the words of the clause might not be liable to such a misconstruction; but he would take care before the Bill left the House that the clause should be altered. He would, however, call the hon. Gentleman's attention to the terms of the 6th

and 7th clauses, which appeared to him to be very clear.

MR. HENLEY thought, with all deference for the noble Lord's opinion, that the difficulty to which he had referred had not been at all cleared up. The 7th clause empowered the Estates Committee to manage the property of the Ecclesiastical Commissioners; but there was no provision whatever to restrain the Ecclesiastical Commissioners from doing anything they pleased. A report in writing was to be made to them under the hands of three, at least, of the Committee, of whom two should be Church Estates Commissioners. It seemed to him to be a very inconvenient course that the power of the Estates Committee, and the power of the Commission at large, should be concurrent. He thought it ought to be made quite clear.

MR. HORSMAN said, that although great respect appeared now to have been paid to the recommendation of the Committee, it had already been dissented from. The Chancellor of the Exchequer and another Member of the Cabinet had voted in the majority against the recommendation. The proposition was for three paid Commissioners, but it was rejected. The Crown was to have had a preponderance of two to one; instead of which the Bill gave the Ecclesiastical Commissioners and the Archbishop of Canterbury the appointment of three, and the Crown the appointment of two only. Such a provision would obviously defeat the recommendation of the Committee. It was undoubtedly expected that those Gentlemen, the Estates Committee, should have the management of the property of the Church, at least that the three paid Commissioners should practically have it, instead of which the provisions in the Bill completely swamped the recommendation of the Committee. The clause did not at all carry out their intentions.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 76; Noes 33: Majority 43.

Clause agreed to; as were Clauses 7 to 12. Clause 13.

LORD J. RUSSELL moved, that all the words in the clause after the word "that" be omitted, for the purpose of substituting others, the object of which was to unite the episcopal fund and the common fund, and to make the joint fund available for all purposes for which the common fund had heretofore been available.

MR. GLADSTONE said, he had expected the noble Lord would have prefaced his proposition by some explanation.

SIR G. GREY said, the object of the noble Lord's Amendment was to get rid of an Amendment introduced into the Bill during its progress through the other House, and to restore the clause to its original form.

MR. GLADSTONE thought that, as the Amendment had been determined on in the Lords, after considerable discussion and deliberation, it ought not to be disposed of in the cavalier manner proposed by the noble Lord. The noble Lord's Amendment, if adopted, would amalgamate the episcopal and the common funds; and this clause gave the Ecclesiastical Commissioners power to transfer any surplus arising from the episcopal fund to the common fund. Nothing could be more outrageous than to deprive the poor of the blessings of spiritual education. The parochial funds had lost a great deal which ought to have been made available for those purposes. The division of the funds as proposed was taken to be an indication of the intention of the Government to increase from time to time the number of bishops; and he believed, indeed, a formal pledge had been on some former occasion given by the Government upon that subject. But was that now certain, how were the new bishops to be paid? There was no formal renunciation of the intention supposed to have been entertained by the Government to appoint additional bishops, but it might have been much better if such an intimation had been made at once. Now, he considered that the Motion of the noble Lord raised the question whether there would ever be any new bishops endow- ed out of the property of the Church. He (Mr. Gladstone) objected to the Motion, not as regarded its letter but as regarded its spirit. He objected to it as practically cutting off all prospect of there ever being any new bishops. Still he had no wish to see a wholesale formation of new bishoprics on the scale and standard of those which now existed, nor was he anxious that there should be creation of new bishoprics without some imperative feeling being evinced in the localities where they would be called on to act; and in this respect he thought the formation of the diocese of Manchester a mistake. He thought it was unfortunate that Manchester should be dealt with without any regard being had to the feelings of the locality. They had looked over the

map of England, and, selecting a populous district, had cut off a part of the diocese of Chester, and out of it created the see of Manchester. If there were to be new bishoprics, they should be created in localities where the public mind was prepared to receive them, and where practical evidence had been given of that preparation. It was his intention to propose a clause to enable the Queen in Council to appoint new bishops, at fixed salaries, not exceeding 1,500*l.* a year, in any district where the sum of 30,000*l.* for the endowment of the bishopric should be raised by voluntary subscriptions in the locality. He confessed that his object in providing for the raising of so large a local contribution was not merely to lighten the tax on the central fund, though it was important that they should not have any claim on a fund which ought to be applied to parochial purposes, and therefore he had fixed the income at 1,500*l.* a year (of course the bishop not having a seat in the House of Lords, that intention being palpable from the amount of income fixed), yet it was likewise with the view, and the more immediate view (the subscription being conclusive evidence of it), that in the place itself and among members of the Church, there should be a desire to found a bishopric and a desire to receive a bishop, thus making an opening for all the excellent effects which were likely to follow from the establishment of the see, and that the bishop should be received not with murmurs, but with eagerness and satisfaction; the plan having originated not from headquarters, but from local feeling and desire. A bishop appointed under such circumstances, would become really the spiritual and ecclesiastical head of the community over which he was placed; and although he might not know personally every one in his diocese (for he, Mr. Gladstone, doubted if St. Ambrose had a personal acquaintance with every one in his diocese of Milan), yet he could discharge duties similar to those which in Leeds and other large towns were performed by men of great energy who were only in the position of parochial clergy. He hoped, whether the noble Lord thought it necessary or not to restore the Bill to the state in which it came down from the House of Lords, he would do something to show that the question of the foundation of new bishoprics was not to be submitted to the operation of what was called "shelving." They ought to know what was the feeling of the country on this

subject, and not adopt this Motion without some explanation which would show whether they were to act on definite ideas and principles with regard to the creation of new bishoprics. He did not mean to say that the bishops were overlooked, indeed some of them were not, and their labour depended more on the activity of their character than in the fact of their having a large diocese; and when their duties had fallen into mere routine, it was a mistake to suppose that their work would necessarily be increased by the enlarging of a diocese, or that it would be diminished by the formation of a small one. If there were to be new dioceses created, the bishops should be the pastors of their dioceses, and not the mere monarchs of them.

LORD J. RUSSELL said, that the reason for adopting this clause was, that after the discussions in the House, and the report of the Committee, it was thought that the spiritual wants of large parishes (and this was confirmed by the first report of the Commission of Inquiry) were so great, that it was considered advisable that all the sums which could be applied to that purpose, should be devoted to the increase of parochial cures. In compliance with that view, an alteration was proposed in the original constitution of the funds made by the first Commission of Inquiry, namely, the separation of the episcopal fund. It was question much considered by the Commission, and he did not think that if the right hon. Gentleman the Member for the University of Oxford had been a member of it, he could have had the appropriation of certain funds for the purposes of bishoprics overlooked. It was a subject of frequent discussion in the Commission, more especially as the late Archbishop of Canterbury, and the late Earl of Harrowby, entertained a different opinion on the matter. Then the right hon. Gentleman said, that if the House decided that there should be no separate funds, and that the common episcopal fund be made one, it would at once "shelve" the question of the creation of new bishoprics, and would, in fact, be a decision that there were to be no new bishoprics. He (Lord J. Russell) could not consider that question so absolutely decided. It was true it was not proposed to proceed with the Royal Commission which was in existence three years ago, for the creation of new bishops. The Commissioners and the Archbishop of Canterbury had considered this question,

and they were of opinion that it was desirable to give as much of the funds as possible for the creation of parochial districts, and that no Bill should be introduced for the formation of any new bishoprics until there was a more general assent to such a proposition than was likely to be obtained now. The right hon. Gentleman also said, that it was a mistake to create the see of Manchester. He (Lord J. Russell), however, thought that if a diocese was so enormous as that of Chester, and if it was impossible for a bishop to visit the most populous parts of his diocese, there would be more likely to be dissent from the Church, than the feeling in favour of the formation of a bishopric, which the right hon. Gentleman seemed to think necessary. He differed with the right hon. Gentleman with regard to the creation of bishoprics. Supposing that it was considered right to add to those which were now in existence, he thought that they should be added on the same plan as the diocese of Manchester, with an income of about 4,000*l.* a year: that would be acting more in conformity with the arrangements of the Church, and the regulations of the Church, as at present constituted. He did not think that such bishops could not be the spiritual heads of their dioceses, or that, taking into account the secular duties they had to perform, they could fail in that respect. But if they were to be made elective by the Church for the purposes stated, and not named by the Crown, it would be introducing a new mode of creating bishoprics, which must jar with the constitution of the Church, or overthrow it. It might happen that the system would not work well, or it might be said that it was a better one—that it was an error that bishops should be in Parliament—that their temporal power should be taken away, and they should be excluded from the House of Lords, and thus a different set of bishops altogether would be created. He looked on the prospect of such a result with alarm. He could not now enter into so large a question, but if a separation of the Bishops altogether from the State was to take place—if they were to be made elective—to be removed from the House of Lords, and their temporal power taken away—it would endanger the Established Church as it was now constituted. For those reasons he thought that the episcopal fund should be joined to the parochial fund, and that it was not advisable to begin a new scheme which he con-

ceived would be fraught with danger to the Church.

SIR R. H. INGLIS said, he differed with his right hon. Colleague with regard to the establishment of the see of Manchester; and he thanked his noble Friend at the head of the Government for having selected that great town as the seat of a bishopric. It being so large a town, and the fact of a Dean and Chapter having been already formed, justified the selection, and in that his noble Friend did good service to the Church; but he must remind his noble Friend, that when he formed that see, he also undertook to create other new bishops, and that nothing had since occurred to prevent that being done. He felt that great inconvenience would arise from the separation of the Episcopate from the State on the plan of his right hon. Friend, which in other hands and other mouths might lead to the separation of Church and State. There was another plan which might be carried by means of a statute still in force, namely, the summoning of suffragan bishops, whose sees were created by the statute of Henry VIII. They were not intended to sit in the House of Lords; and though he did not admit the phrase of “the working clergy,” in contradistinction to such a bishop as the Bishop of London, and though he would not admit that suffragan bishops only were entitled to be called “working bishops,” still their junctions would be more purely episcopal in a ministerial sense. When he remembered that 200 years ago there were two bishops for this metropolis, and that the Bishop of Westminster sat by the side of the Bishop of London, he thought it might be advisable to summon a Bishop of Westminster, and precedents existed for doing so. His objection, however, to merging the episcopal into the common fund, was, that what would be lost there would never be recovered. It was true his noble Friend had not thrown aside his plan for the creation of three new bishoprics; but how much greater difficulty in the way of their formation would there be when the present available fund was thrown aside. If the present time was not favourable for such endowment, when would it be likely to be more favourable to transferring a sum from the Consolidated Fund, or any other means for such a purpose? He thought that now, while they had the means of such endowments, they ought not to be cast away. His noble Friend would be acting more

consistently with the pledge he gave three years ago, if he took the Bill as it came from the House of Lords, which prevented his pledging the funds irrevocably to other purposes.

MR. HUME thought the noble Lord was right and wise in the course he now proposed to take. When the reform of the Church was made in that House, it was proposed that 139,000*l.* should be applied to the payment of the whole of the Bishops, and that every shilling that arose beyond that sum should go to the common fund, and it was a fact, that at that time 2,000 persons who were doing the work of working clergy at 80*l.* a year, were willing to give the Bishops increased income without augmenting the efficiency of the working clergy. He wished that the hon. Baronet the Member for the University of Oxford, while he wished to maintain the Church in connexion with the State, would not go on increasing the number of bishops while the working clergy were so ill provided for. On the contrary, if one proceeding were more likely than any other to promote separation, it was such conduct; and he must say that the noble Lord, in attempting three years ago to create three new bishoprics, had created greater hostility in this country towards the Church, than had been called forth by any other act within his recollection. He hoped he should never see the time when a proposition should be made in that House to create three new bishops, and pay them out of funds granted by Parliament to increase the efficiency of the working clergy. Many parishes were in a state of destitution, and he did not think that any man who was a friend to the Church could advise the endowment of 7,000*l.*, or 8,000*l.*, or 10,000*l.* a year more for bishops.

SIR J. PAKINGTON denied that his hon. Friend the Member for the University of Oxford now proposed any new endowment from the Consolidated Fund. On the contrary, his argument was, that the noble Lord should retain the funds already in hand for that purpose, in order to avoid the necessity for coming upon any other fund. The only argument which the noble Lord had used in support of the Motion for reversing the decision of the House of Lords, was the spiritual destitution existing in many districts; but the noble Lord should bear in mind, that as the clause now stood, there was a distinct provision for meeting that destitution by allotting the surplus of the episcopal fund

from year to year to that purpose, after providing for the wants of the episcopate.

MR. HORSMAN thought that the noble Lord did not deserve the reproach that had been directed against him. He thought that what the noble Lord had now said was a perfectly satisfactory answer, that there had not been that general concurrence with his proposal which would have justified him in pressing it. The complaint was, that the Government had taken the initiative. It was just the contrary, for they were acting against those who were assuming and oppressive. The distinction had been hitherto known in the Church of establishing one fund for the parochial clergy and another for the Bishops. When the Bill for the Manchester bishopric was brought in, there were opponents who thought that the provision made for the Bishops would injure the provision for the parochial clergy, and that increase in the number of Bishops was not the measure which the times required. If the parochial destitution were met, and if the creation were then proposed of such Bishops as the right hon. Gentleman the Member for the University of Oxford had pointed out, who should be the centres of religious society, he believed that public support and confidence would be with the Bishops of the present day, as much as with the Bishops of the old times. If they attended to parochial wants, no friend of the Church would object to the after creation of Bishops—if men were appointed who would go among the people, and become their friends and advisers and the central portions of religious society; but let them not postpone the parochial claims of the bishoprics. He had a strong feeling that the parochial destitution at present demanded great attention; and he could not wonder at the strong feeling that existed on that subject, that that parochial destitution required more attention at the present moment than the episcopate. Let them attend to that point, and let them trust to the people of this country, and there would be in the end no want of the most ample provision that might be required.

MR. S. HERBERT had heard the speech of the hon. and learned Member for Cockermouth with great pleasure, because it would appear that although he was not about to support the clause as it stood, there was sufficient ground for those who sat near him (Mr. S. Herbert) to do so. The hon. and learned Gentleman complained of a system which isolated the

Bishops from the clergy and the people, and imposed upon them so great an amount of secular duty that they were unable, although their motives were pure and intentions good, to perform the more important spiritual functions which they had to discharge to the people of England; that if they were overworked in temporal matters, their minds would be unfitted for those more exalted offices which they had to perform; for there being so few men for so vast an amount of secular labour, had the effect of incapacitating them for their higher and more spiritual duties. But, before those districts were divided, there must be created in the minds of the laity an ardent desire for such a change; and if one superior and larger mind were introduced, who, by his precepts and example, would rouse the religious feeling, and the conviction of the spiritual destitution being brought home to him, more would have been done towards creating a remedy for the evil if 3,000*l.* or 4,000*l.* a year were spent in this cause, than by sending out a number of curates at 100*l.* a year. He would read to the House the opinion of the Bishop of Ripon of the duties imposed upon him. [The right hon. Gentleman here read an extract from a charge by the Bishop of Ripon, to the general purport, that if Bishops were not merely known by name, but identified themselves with their clergy, and with the people, and were known to their flock as their friend and father—their advisers in doubt, and assistants in difficulty, the promoters in every good work—encouraging and supporting the weak, and rousing the lukewarm—he conscientiously believed that their exertions of body and mind to the full respond to all those demands, would be far beyond the average physical power and mental ability.] He thought those sentiments were in accordance with the opinions of the hon. and learned Gentleman. It was said that the commanding officer should not be approached by the common men; that his office was that of direction; that actual contact with the people was reserved for the lesser clergy. He could not conceive anything more contrary to the Scriptural doctrines, or more contrary to the feeling of the English people, to whom, if one thing was more grateful than another, it was, that a man of high place and dignity should come among them in the performance of his office. In the time of Henry VIII. there were the same number of Bishops in Parliament as at present,

whilst the population was then only 4,000,000, being on the average one bishop to every 150,000 of the population; whilst the average now was one to every 700,000 of the population. But that a bishop should be less respected by his mingling with the poorer classes of the people in the exercise of his vocation, was contrary to Scripture and to all experience. Talking about principles would not, he believed, move the people. What they wanted was to see the form of the episcopacy in the person of the bishop himself among them, and that effect would be prevented if the minds of the bishops were secularised by attention to temporal affairs. The right hon. Member for Oxford University had said that he could get over the whole difficulty by reanimating a dormant Act of Parliament; but he (Mr. S. Herbert) confessed he did not perceive how such an effect could be so produced. If these two funds were fused, the tithes would be abolished, and could not be enforced. Episcopal property had been left for episcopal purposes, and parochial property for parochial purpose. They had always been separate, and now it was proposed to fuse them. He regretted to hear that the noble Lord at the head of the Government did not intend to adhere to the Bill as it originally stood, and bring forward that increase of bishoprics which he had proposed in 1846. He regretted it greatly; and it would be a source of great regret also to many good members of the Established Church. But the noble Lord had thought that there had not been sufficient concurrence in the country. As to the objection of the noble Lord to the proposal of his right hon. Friend, with respect to the appointment of bishops, it should be recollected that his right hon. Friend proposed that they should be elected in the same manner as the bishops were now elected, and therefore there would be no innovation in that respect. But with respect to their non-admission to the House of Lords, that was a very grave and difficult question. He confessed that if the Church were to be created for the first time, and if for the first time it was proposed that there should be a connection between Church and State, he would doubt if it would be for the advantage of the Church that members of that Church by their ecclesiastical office should have seats in the House of Lords; but the whole ecclesiastical system had grown up in this practice, and he saw great advantage in its

retention. He did not think that the fact of bishops having seats in the House of Lords was to be an argument against the increase of the episcopacy; and rather than forego the increase of authority that was necessary in the Church, with the increase of population, he would prefer to see bishoprics set up on a less splendid scale, and even without the privilege that was set up by the noble Lord as an obstacle to their appointment.

SIR B. HALL said, the real question before the House was whether it was desirable to have more bishops, or a greater number of working clergy. Now, he found by the report of the Ecclesiastical Commissioners, on the 30th of May, 1848, the Bishop of Lincoln was asked the question, "We are told by one of your Lordship's brethren on the bench that an additional number of bishops is desirable;" and the right rev. Prelate answered, "I think that an increase of bishops is very desirable in some instances; but if I were asked whether I think it were more desirable than an increase of the working clergymen I do not think it more desirable." He (Sir B. Hall) certainly was excessively surprised to hear from the right hon. Gentleman that the fact of the bishops sitting in the House of Lords was a democratic element of that assembly. He had always understood that they were the very antipodes to the democratic element. They were always opposed to liberal measures, and did all they could to keep things as they are, without any improvement. He thought it would be better for the interests of the Established Church if the Bishops had not a seat in the House of Lords. Hon. Gentlemen opposite thought otherwise; but what an argument they were raising against themselves by wanting to have bishops without seats in Parliament. They might make up their minds to this, that if there were more bishops the people would think it would be much better for them to give up their seats, to live in their dioceses, to mingle with their clergy, and to superintend and guide them. Now, he took the liberty, in the early part of the evening, of stating the condition of the working clergy in his neighbourhood. They were now wanting more bishops when there were poor clergymen living in farm houses, having no glebe houses, and in a worse condition than farm labourers. If they wanted to have more bishops let them do this: They had bishops with incomes varying from 4,500*l.*

to 1,500*l.* a year; let these bishops sacrifice a portion of their enormous incomes to support the new bishops. Look at the condition of the working clergy. He had taken the cases of eight alphabetically, living in his neighbourhood. The livings of all of them were under 70*l.* a year; they varied from 45*l.* to 68*l.* the highest. In the diocese of St. David's there were 23 curates, whose income exceeded 100*l.* a year, 14 not exceeding 100*l.*, 11 not exceeding 80*l.*, 14 under 60*l.*, 39 under 50*l.*, and 53 whose incomes varied from 10*l.* to 40*l.* And yet those men were obliged to appear as gentlemen. He knew a case, happening nearly at his own door, of a poor clergyman who was anxious, in consequence of the miserable stipend he had as a curate, to have clothes and food given to him which were about being given to the poor; and who was thankful that they were bestowed upon him; and when a proud dignitary of the Church saw him working in a garden in a coloured coat, he blamed him for not wearing a coat which he could not afford to purchase. He (Sir B. Hall) considered that the case of the poor clergymen ought to be regarded before they appointed more bishops.

MR. A. B. HOPE said, of all the fallacies brought forward, that of insinuating that the bishops were not working men was the most shallow. The accusation was that the wealthy bishops neglected their flocks, and looked after their temporal concerns. Now what was the proposition of the right hon. Gentleman the Member for the University of Oxford? Why, that a set of bishops should be created with more limited incomes, who must be working clergy, and take an active part in their flocks. This was the practical answer to the speech made by the hon. Member for Marylebone at the beginning of the evening. The Committee were now called upon to divide on a matter which the House affirmed four years ago, and which was reaffirmed by the House of Lords; and the Government, without any reason whatever, now asked the House to break the pledge that was made relative to the appointment of four new bishops, when in reality only one had been appointed. With reference to the curates of Wales, there were various modes which might be thought of to better their position. It had occurred to him that a subscription from the landowners would not be amiss, even if it only went to the extent of a new black coat, in-

stead of a coloured one. A more fallacious and claptrap argument than that the bishops were not working clergy he never heard.

MR. DRUMMOND suggested that the Welsh gentlemen ought to give back their tithes to the Church, in order that they might be devoted to ecclesiastical purposes.

MR. HENLEY said, it seemed to him that the State having laid violent hands upon the property of the Bishops and of the Church, and having now a large sum of money in its hands, the question was how they could apply it to the most useful purpose. The plan proposed by the Government left it free to the Ecclesiastical Commissioners either to provide for the inferior clergy or to create new bishops. This seemed to him to be the most sensible plan. He was quite willing to leave it to the Ecclesiastical Commissioners to decide for themselves from time to time in what channel this fund should go. These reasons induced him to vote for the Amendment of the noble Lord.

SIR T. D. ACLAND preferred the clause as it had been sent down to the House of Lords. If the clause should not be adopted, they would put off in perpetuity any extension of the inferior body of the clergy.

MR. P. W. WOOD did not think the ecclesiastical fund could have been separated in the first instance on any principle. The right course from the first would have been to consider it as a Church fund for all purposes—the establishment of bishoprics, and the relief of spiritual destitution. He protested against the distinction drawn between the bishops and the working clergy. The bishops worked as much as the working clergy—they worked in producing the working clergy. Wherever an active and diligent bishop was placed, there was certain to be an increase of the working clergy. Thirteen bishops had been appointed for the colonies by the voluntary exertions of the members of the Church of England, and the result had been that, in some instances, the number of the clergy had been doubled, and in some instances it had increased threefold. So far from thinking that the clause which had come from the House of Lords would effect the object in view, it did not provide that the surplus from year to year was to be handed over to the common fund, but that the Commissioners should from time to time, as they should think fit, hand over such portions as they might think right. Now, he thought it would be better to have one

common fund for every church purpose, the disposition of which should be placed in the hands of the Commissioners, who ought to have the power to determine whether to establish an additional bishop, or increase the remuneration of the working clergy.

LORD J. MANNERS said, it was because he firmly believed the clause as it had come down from the House of Lords was best calculated to promote the interests of the Church and the people, that he supported it in opposition to the Amendment of the noble Lord at the head of the Government. The hon. and learned Member who spoke last had stated that, as the Amendment proposed by the Government would leave in the hands of the Commissioners the power to appropriate grants of money, either for the creation of new bishoprics or the endowment of poor livings, he thought that the Amendment was most likely to be beneficial. He (Lord J. Manners) wished to ask the Government whether they were prepared to point out any other means than those submitted to them by the House of Lords in this Bill for creating additional bishoprics; or whether they intended the country to go on from year to year, satisfied with the pledge they gave in 1846, without evincing any intention to carry that pledge practically into effect. In the Royal Commission under which the Ecclesiastical Commissioners acted, the Queen expressed a desire that a measure should be submitted to Parliament for establishing a bishopric of Manchester, and, as soon as conveniently might be, three additional bishoprics. Now, he asked Her Majesty's Government what measures they were prepared to propose to carry out that object; and whether, if the Committee adopted the Amendment of the noble Lord, he would give them any reasonable hope that, before the end of this or the next Session of Parliament, these three additional bishoprics would be created? He considered that a bishop ought to be able to confer with every one of his clergy on every point connected with the spiritual superintendence of the people; but while the present dioceses were continued in their enormous magnitude, it was impossible that such relations could be established; and it was because he was convinced the true interests of the Church of England required at this moment a great extension of the episcopate, which the Amendment would tend to prevent, that he asked the Committee to withhold from it their assent.

MR. TURNER doubted whether the effect of the clause would not prevent, at any future time, the endowment of new bishoprics. The early part of the clause was so constructed that it carried the surplus of the ecclesiastical fund to the common fund, which was devoted to other than ecclesiastical purposes. Although some words of the clause would admit a double interpretation, there was great reason to doubt whether the first part of the clause would not carry over the surplus of the increased fund into the common fund.

LORD J. RUSSELL said, the present state of the law, as he understood it, was this—that there were certain purposes which could be provided for out of the common fund; there were other purposes which could be provided for out of the episcopal fund, and to those purposes only could that fund be applied; but he did not think either the one fund or the other was at present applicable to the formation and endowment of new bishoprics. The clause as adopted by the House of Lords only provided that, the episcopal fund remaining as it now was, any surplus that might accrue should be applicable to the purposes of the common fund. The clause, as proposed to be amended by the Government, would provide that there should in future be only one fund, but that provision should be made out of that common fund, not only for the augmentation of small livings, and other objects at present provided for out of the common fund, but that such fund should also be applicable to an increase of the poorer sees, and to the other objects now provided for out of the episcopal fund. Therefore, by the Amendment he proposed, there was clearly a power given to apply what would hereafter be the common fund—to consist of the present common fund and the episcopal fund—to purposes to which the episcopal fund was now applicable, such as the increase of the smaller bishoprics; but he did not think that either in the clause as it at present stood, or as the Government proposed to alter it, there was any power of founding or endowing new bishoprics. That, he apprehended, must be done by Act of Parliament. Now there being at present a separate episcopal fund, and there existing a surplus of that episcopal fund, it might be argued that it would be a proper application of that surplus to found and endow new bishoprics. But he thought it could be more naturally argued that the first application of the common fund, after providing for those things required by Act

of Parliament, should be to increase the small livings. He was of opinion that it might, from time to time, be necessary to increase the number of bishoprics; but he did not think that for that purpose the intentions of Parliament were at all prevented by the Amendment which he proposed. All that was intended was, that the increase of the small livings rather than the increase of bishoprics should first be provided for.

LORD J. MANNERS said, the noble Lord had told them that all the applications for the augmentation of small livings that had been hitherto or might hereafter be made to the Ecclesiastical Commissioners under his proposed arrangement, must be satisfied before any additional bishoprics were founded. Now, they had it on record that there had been already 1,100 applications of that nature; and how many more might be made in time to come, it would surpass the imagination of man to discover. He asked any Gentleman, therefore, who thought that an increase of the episcopacy was necessary in the present condition of the English Church, whether the proposition of the Government afforded an equal chance for the erection of those bishoprics with the clause proposed by the House of Lords?

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 111; Noes 163: Majority 52.

Proposed words added.

House resumed.

Committee report progress; to sit again on Friday.

HOME-MADE SPIRITS IN BOND BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 120; Noes 121: Majority 1.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 9, 1850.

MINUTES.] PUBLIC BILLS.—2^d Elections (Ireland); Inspection of Coal Mines; Court of Chancery.

Reported.—Union of Liberties with Counties. 3^d Court of Session (Scotland); General Board of Health; Law of Copyright of Design Amendment.

DEATH OF H. R. H. THE DUKE OF CAMBRIDGE.

THE MARQUESS of LONDONDERRY rose to move the adjournment of the House as a mark of respect for the loss of that inestimable person the Duke of Cambridge, as had been done in another place on the death of a great statesman and patriot. He trusted that their Lordships would not fail in expressing their regret in a form which he suggested. His late Royal Highness had been a Member of their Lordships' House for a great number of years, during which period he had been universally respected and beloved. His private conduct was not only unexceptionable, but he was the kindest friend, the most amiable and good-natured man living. His beneficence was proverbial—his charities were innumerable. The pains and arduous labour he went through to promote every charity could alone be properly estimated by the efficiency and success which uniformly attended his exertions in such cases. In early life his dominion in Hanover stamped his reputation as a civil and military governor; and had he had a wider field allotted to him, his name might have been numbered amongst the proudest of our military heroes. Would to God he had the eloquence necessary to do justice to the character of this inestimable Prince! The tears which were now scarce dried for Sir Robert Peel's untoward fate, were bedewed again for the Duke of Cambridge's loss—for him who was almost the last of the illustrious line of Brunswick, to which England owed such years of glory and prosperity. He hoped that their Lordships, by agreeing to an immediate adjournment, would demonstrate to the people of England that whilst they deeply mourned a

great and distinguished patriot, they were equally sensible of the loss of an inestimable Prince.

THE MARQUESS of LANSDOWNE said: I readily subscribe, my Lords, to all, and am ready to subscribe to a great deal more than the noble Marquess has said, with respect to the truly amiable and distinguished qualities of that illustrious Personage whose loss we all deplore. With respect to the uniform tenor of his life, his fidelity to his Sovereign and to his country in all the situations in which he has been entrusted with the performance of great public duties, there can be but one opinion and one feeling in the House. But, my Lords, I regret to be compelled to object to the proposition which the noble Marquess has now made to the House—not merely because it has not been usual for the House to adopt the course now suggested, upon similar occasions—not merely because the other House has not adjourned, but, on the contrary, has proceeded with the public business; but because, if this Motion were agreed to, it would deprive your Lordships of the opportunity of doing that which I intend to propose—namely, agreeing to an Address of Condolence to Her Majesty. It would deprive us, my Lords, of the melancholy satisfaction of making known those sentiments of regret at the loss we have sustained, and of conveying them to Her Majesty. I intend to propose an Address of Condolence to Her Majesty, and also an Address to another illustrious Person, with whose feelings I am sure the House will deeply sympathise—I mean Her Royal Highness the Duchess of Cambridge.

LORD BROUGHAM entirely concurred in the kindly and respectful feeling which had urged his noble Friend (the Marquess of Londonderry) to move the adjournment of the House, although he could not support the Motion itself. As their Lordships would all unanimously agree to the Addresses which his noble Friend the Lord President of the Council would immediately propose, he would only say that he had a painful satisfaction in agreeing in all that his two noble Friends had stated respecting the great and distinguished merits of the illustrious individual who had just been withdrawn from us. He had long lived upon terms of social intercourse with his late Royal Highness the Duke of Cambridge, and had also transacted business with him on various occasions; and he could therefore say, from personal experience, that no Prince had ever been a

greater ornament to the exalted station in which he was placed, or had ever been more universally respected in his private and in his public life, and in the responsible situation he had long held as the representative of his Sovereign in his continental dominions. He would say of the Duke of Cambridge what he had never been able to say of any other public man, that he had never heard a single individual speak in other than kindly and respectful terms of his late Royal Highness.

The MARQUESS of LONDONDERRY said, far be it from a humble Peer like himself to set himself up against the collective sense and wisdom of their Lordships; still he thought that the noble Marquess might have deferred to another day the Motion of Condolence which he had just declared his intention to propose. He threw upon the noble Marquess all the responsibility of not paying to an illustrious Peer of the Blood Royal an honour which had been paid to a distinguished patriot in another place. He bowed to the decision of their Lordships, but still remained under the conviction that the Motion which he had proposed was not an improper Motion for their Lordships to accede to.

The MARQUESS of LANSDOWNE said, that whilst he appreciated the motives which had induced the noble Marquess to take the unusual course which he had taken, it would be a deviation from the usual course to postpone to another day an Address of Condolence to Her Majesty.

The MARQUESS of LONDONDERRY said, that the noble President of the Council had not given a single satisfactory reason why he should not move the two Addresses of Condolence which he had mentioned, and then allow their Lordships to adjourn.

Motion, by leave, withdrawn.

ADDRESS OF CONDOLENCE TO HER MAJESTY.

The MARQUESS of LANSDOWNE said, that after what had just passed, and after the various tributes of respect which had been paid by different Members of the House to the memory of the late illustrious Duke, it was quite unnecessary for him again to state at any length the deep sense which the House entertained of the afflicting loss which it had suffered in common with the country, and which had fallen with peculiar severity on Her Majesty and the other members of the Royal Family. He would therefore at once propose—

“That an humble Address be presented to Her Majesty, to express the deep Concern of this House at the Loss which Her Majesty has sustained by the Death of His Royal Highness the Duke of Cambridge, and to condole with Her Majesty on this melancholy occasion, and to assure Her Majesty that this House will ever participate with the most affectionate and dutiful attachment in whatever may concern the Feelings and Interests of Her Majesty and Her illustrious House.”

He also proposed that this Address should be presented to Her Majesty by such of their Lordships as held white staves.

LORD REDESDALE felt that it was necessary, in the absence of his noble Friend (Lord Stanley), who was not then in his place, that some Peer should rise from the ranks on that side of the House in order to prove to the public that an entire unanimity was exhibited by their Lordships on this melancholy occasion. He, therefore, presumed to raise his voice in support of the Motion, and in sympathy with the regret which all felt at the lamentable death of His Royal Highness. The House had lost an illustrious Member, who had given a noble example of great patriotism, and great private virtues, in an exalted station.

On Question, agreed to *Nemine Dissentiente*.

It was also ordered, That the said Address be presented to Her Majesty by the Lords with white staves.

ADDRESS OF CONDOLENCE TO HER ROYAL HIGHNESS THE DUCHESS OF CAMBRIDGE.

The MARQUESS of LANSDOWNE then rose, and moved—

“That this House do condole with Her Royal Highness the Duchess of Cambridge on the Loss which She has sustained in the death of His Royal Highness the Duke of Cambridge.”

Agreed to *Nemine Dissentiente*.

Ordered—

“That a Message of Condolence be sent to Her Royal Highness the Duchess of Cambridge; and that the Marquess of Normanby and the Earl of Powis do attend Her Royal Highness with the said Message.”

ELECTIONS (IRELAND) BILL.

The MARQUESS of LANSDOWNE moved the Second Reading of this Bill, and explained that the object of the measure was to give power to erect a certain number of polling booths in different parts of the counties in Ireland, in order to afford facilities for the carrying on of elections similar to those existing in the English counties.

The EARL of MOUNTCASHELL approved highly of the measure, but should take occasion to propose several amendments in Committee. He should move a clause to enact that any clergyman or minister of any religious denomination attempting to coerce, intimidate, or restrain any voter in the exercise of his privilege, should be liable to be indicted for misdemeanour. Such a provision, he was satisfied, would be productive of the greatest practical benefit in Ireland. The 18th clause had also something very objectionable, because the Act limited the duration of the election to two days for the counties, and one day for the boroughs, and this clause allowed the election, in the case of a riot occurring to be postponed from day to day for an indefinite period. This provision would have a tendency to induce parties to get up a row for the purpose of protracting the excitement of the election.

After a few words from Lord MONTEAGLE and the Earl of GLENGALL,

Bill read 2^a.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 9, 1850.

MINUTES.—NEW WRIT.—For Mayo, v. Robert Dillon Browne, Esq.

PUBLIC BILLS.—1^a Upton cum Chalvey Marriages Validity; Appointments to Offices, &c., Bills of Exchange.

DEATH OF THE DUKE OF CAMBRIDGE— ADDRESS TO HER MAJESTY.

LORD J. RUSSELL: Sir, it is my most painful duty, before this House proceeds to the business of the day, to ask them to concur with me in an Address to Her Majesty, expressing the deep regret of the House on the loss which Her Majesty has sustained in the death of His Royal Highness the Duke of Cambridge. It will not be necessary, I am sure, for me to say many words to induce the House to agree with me in this Motion, by describing the many virtues of the late Duke of Cambridge—the kindness of all his acts—his benevolence towards all classes of Her Majesty's subjects—his unaffected demeanour in both public and private life—qualities which caused him to be sincerely respected by all people in this country. I should say, with respect to his political life, that there was the same kindness displayed in that as he had ever evinced in his private life, and that, although he held his own opinions, and held firmly to what he thought was

right, no one could ever perceive the least difference in his manner towards those who differed from him in political sentiments. No man was ever more free from bitterness of spirit, or more entirely impressed than he was with the spirit of Christian charity towards all men. His conduct in regard to those more common acts of life which are usually denominated charity, none can fail to remember. The support and countenance which during his lifetime he gave to all institutions of that kind, and the readiness with which he attended to all applications and requests made to him by the societies which enjoyed his patronage, will cause his loss to be most deeply felt. Although he never took a prominent part in the political affairs of this country, yet for more than twenty years the Duke of Cambridge was entrusted with the government of Hanover; and his mild, temperate, and impartial conduct in the discharge of the duties of his high station there, endeared him to the people of Hanover, and preserved their attachment to the Crown. I presume, therefore, that this House will readily agree to an Address of Condolence to Her Majesty on this melancholy occasion.

The MARQUESS of GRANBY: Sir, I hope that, on account of the long acquaintance I had with the Duke of Cambridge, and the great kindness I ever experienced from His Royal Highness, the House will not charge me with presumption in rising to second the Motion of the noble Lord. Sir, in whatever way we look at the past life of the Duke of Cambridge—whether as conferring additional honour on the House to which he belonged, or in his own and individual person doing everything in his power for the benefit and advantage of his fellow-men, and especially the poorer classes, we cannot but consider his demise as a great national loss. The sole object of his life was to alleviate the sufferings of the humbler classes of this country. No matter what occupation he might be engaged upon, or in what part of the country soever he might happen to be residing—if he thought he could be of service to those poorer classes, he put aside at once every private consideration, and every feeling of private convenience, and hastened to do that which he believed to be his duty to his fellow-countrymen. I am assured that every class in this country, of every shade in political opinion, will feel his loss most deeply. They will feel that they have lost not only an illustrious, a noble, and truly British Prince, but a kind and affectionate

friend and benefactor, ever ready and willing, when possible, to relieve their sufferings.

Resolved, *Nemine Contradicente*—

"That an humble Address be presented to Her Majesty, to express the deep concern of this House at the loss which Her Majesty has sustained by the death of His Royal Highness the Duke of Cambridge, and to condole with Her Majesty on this melancholy occasion, and to assure Her Majesty, that this House will ever participate with the most affectionate and dutiful attachment in whatever may concern the feelings and interest of Her Majesty and Her illustrious House."

Ordered—

"That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's most honourable Privy Council."

MESSAGE OF CONDOLENCE TO THE DUCHESS OF CAMBRIDGE.

LORD J. RUSSELL: There can be no doubt that the House will concur unanimously in condoling with the Duchess of Cambridge upon the distressing loss Her Royal Highness has sustained. I feel it, therefore, unnecessary to say more than simply move that a Message expressive of the condolence of the House with the Duchess on the loss she has sustained in the death of His Royal Highness the Duke of Cambridge, be sent to Her Royal Highness by Lord Seymour and the Marquess of Granby.

MR. DISRAELI: I am sure I shall only express the universal feeling, when I say that an Address of Condolence by the House of Commons was never dictated by a spirit of sympathy more sincere and more profound than this. The Prince we have lost was one who had endeared himself to all classes of the community. He possessed the affections of their hearts through his benevolence, and they looked with pride upon his active and useful career, and the manly cordiality which ever distinguished the character. The illustrious Lady whose bereavement we now deplore, and upon which we now condole her, will, I hope, in time feel some consolation for her loss in the recollection of the benevolence of his life—in the recollection that his honours have devolved upon a son whom this country has been long accustomed to regard with interest and fondness, and in whose person will live the sacred memory of him whose eyes she closed upon a life she had rendered a life of happiness by her tenderness and devotion.

Resolved, *Nemine Contradicente*—

"That this House do condole with Her Royal Highness the Duchess of Cambridge, at the loss

which She has sustained by the death of His Royal Highness the Duke of Cambridge."

Ordered—

"That a Message of Condolence be sent to Her Royal Highness the Duchess of Cambridge, and that Lord Seymour and the Marquess of Granby do attend Her Royal Highness with the said Message."

ELECTIVE FRANCHISE.

MR. LOCKE KING moved for leave to bring in a Bill to extend the franchise in counties in England and Wales. He was convinced that whatever objection might be advanced against the provisions of the Bill he asked leave to introduce, the principle of it was a sound one. His hon. Friend the Member for Montrose had, year after year, brought forward a Motion for a comprehensive measure of reform in Parliament; but that plan, supported as it had been by increased minorities in the House, was, as his hon. Friend had been told, too like the Charter to be entertained in that House. It was surprising that the anomaly of the county franchise should be suffered to continue, when it was admitted that property and nothing else was represented in that House—that a man should be allowed to have forty votes in forty different counties of the value of 40s. each, when a person living in a house of the value of 40l. a year was not allowed to be represented at all. He was not asking for a great measure of reform. He only proposed to do away with a great anomaly by a change so moderate that it would show on the result who of the Members of that House were in favour of moderate reform, and who were in favour of retaining all things as they were. He would take the borough of Reigate as an example. Why should a 10l. householder in that borough have the 198th share in sending a Member to the House of Commons, whilst a person living in a larger and better house at Croydon—a house somewhat short of 50l. rent—was not allowed to have even a 6,000th share in returning Members for the Eastern Division of Surrey? Why should not the occupier of such a house, or of a house and land, be entitled to be one of the 10,000, or 20,000, or 30,000 electors of a county, whilst another was allowed to be an elector for a borough if he paid only 10l.? The existing system was most anomalous in this as well as in many other respects. Twenty-two boroughs returning forty-two Members had altogether only 6,885 electors; or, upon an average,

163 electors, returning one Member each; whilst in the West Riding of Yorkshire, 34,000 electors sent only two Members to serve in that House. No doubt much might be said about the influence exercised in small boroughs; and it was found from the reports of Election Committees, that in certain boroughs in the south and south-west of England, a few hundred persons, shopkeepers, and others, were in the habit of selling their votes. Thus the effects of the franchise being given to such large towns as Birmingham and Manchester was practically neutralised. A large and important step would be taken in the way of improvement in this respect, if counties were placed exactly upon the same footing as boroughs. On the other hand, if it were desired to keep the great body of the people from any share in the election of their representatives, they might do better by reverting to the old rotten borough system, with its avowed oligarchical and aristocratic domination. But having begun the good work of making the liberties of the people a reality, he did not see how the House could now refuse to move onward. There had been no cause whatever to regret the great social revolutions that had taken place in the passing of the Emancipation Act and the Reform Act, or in the adoption of free trade, for they had only removed inequalities that were shocking to common sense and common justice, and he now called upon the House to remove inequalities not less obvious and anomalous. Such a measure as he had here pointed out would palliate the strong sense of injustice created in the minds of thousands of the people who were quite as fit to enjoy the franchise as those upon whom it had been conferred, for the first time, by the Reform Bill. One benefit would certainly accrue from the measure. It would test the sincerity of hon. Gentlemen opposite, who still clung to protection, and who asserted that the great body of the people were in favour of a bread tax, for they would then have the opportunity of trying the question with an extended suffrage in the very districts wherein they alleged distress existed to the greatest extent.

Motion made, and Question put—

“That leave be given to bring in a Bill to make the Franchise in Counties in England and Wales the same as that in Boroughs, by giving the right of voting to all occupiers of tenements of the annual value of ten pounds.”

Mr. HUME seconded the Motion. The noble Lord who had brought in the Reform

Bill in the year 1830, had himself admitted that he was prepared to extend it, but he had not stated to what extent he would go. He seemed to think that the people could not be trusted. He (Mr. Hume) thought that the more the people were trusted, the more they would act faithfully towards their country; they would be better prepared to maintain the liberties which they enjoyed. He asked the noble Lord in what way could further progress be made with so little risk and danger as in that way which the hon. Member had now pointed out? There was a variety of qualifications amounting to some seventy or eighty, by which people were entitled to vote in this country. He did not ask to extend or increase the number of anomalies, but one of the qualifications being that 10*l.* householders should have a vote in a borough, he only asked the House to extend the same privilege to counties. There could not be any risk. The parties who occupied 10*l.* houses in the county towns were superior to the men who voted for a 10*l.* franchise in the country. He held the Motion of the hon. Member for East Surrey to be one which the House might safely adopt, without alarming the most timid reformer. All the world was extending its representative government. The peace, the order, the satisfaction which prevailed throughout the country, ought to encourage those who had the power to carry out the principles which they admitted. The time was come for reform. It was the act of a wise man to move while everything was quiet, and to carry out reform gradually. The Motion was extremely well planned; and he hoped the hon. and gallant Member for Westminster would allow the division to be taken simply on this Motion, and therefore he would strongly advise the gallant Officer to postpone his Motion. If they had not had reform in Parliament at the time it took place, they would have had discontent, and in all probability we should have been visited with some of those troubles under which other countries had suffered. The noble Lord, in a late address, had said that it was true wisdom to move in the path of reform whilst matters were peaceable and quiet. He would offer a little advice; he believed that there was scarcely one Member in the House at the time it was proposed to grant the suffrage to Birmingham and other large towns who would not admit that if reform had then been acceded to, the great cry which took place subsequently for reform would have been post-

poned; but that reform had placed this country in a situation in which it could carry out further reforms in security.

SIR DE L. EVANS said, that, with respect to the observations of the hon. Member for Montrose, he should comply with his wishes, although his Motion had been submitted to the House as an original Motion two or three months before the Motion of the hon. Member. He was entirely at the disposal of the House; he should be guided by the House. The proposition he had submitted went considerably beyond that of the hon. Member for East Surrey; for, in his (Sir De L. Evans') opinion, the Motion of the hon. Member for East Surrey did not go far enough. He concurred in thinking that there was not the slightest ground for alarm as to the household suffrage. If there was any country in Europe which required extensive suffrage, it was this country. The reform of 1830 was not accepted by the reform party as a complete and adequate reform; it was accepted purely as a compromise, and, in a great degree, lest the peace and tranquillity of the country should be disturbed. It was evidently an instalment. He contended that it would not be a sufficient suffrage at the present time; twenty years had elapsed since that period, and the population had become more intellectual and moral. As to the proposition included in the Amendment which he had submitted, he believed it would not be a very great enlargement of voters. The hon. Member for Montrose had adverted to the advance of other nations as to the elective franchise. It certainly was desirable not to take them as a precedent on which to form our own proceedings. It was the practice to condemn as anarchists those violent men who risked the peace of the community in their frantic attempts to procure reforms. But who were the real criminals? who were they who, in a neighbouring country, had caused the streets to be deluged with blood? Undoubtedly, the Ministers, who refused every thing to the prayers of the people. The conservative party in France had revised the franchise, and reduced it to what they considered to be its proper limits, and had given to the metropolis 74,000 electors, while the city he had the honour to represent had a constituency of only 7,000. London, it was true, had 118,000, but London was twice the size of Paris; so that, judging by the rule of proportion, the conservative statesmen of France had given their metropolis one-third more elec-

tors than a liberal Ministry had vouchsafed to the city of London. Of the three propositions which he had intended to submit to the House, the first related to a qualification arising out of the payment of property tax. He did not know whether or no that tax was to be continued, but he thought it absurd that any contribution, of however small an amount, should be excluded from the franchise. The next would give the franchise to every person rated at 5*l.* to the poor-rate—a franchise of which he did not see how any one could deny the equity. The third would give the franchise to all depositors of a certain amount in the savings banks. In his opinion, the fact of a person having had the prudence and foresight to make such a deposit, should be taken as a sufficient indication that he was a fit and proper person to exercise the franchise. The effect of the present system of representation was, to produce the greatest inequality in taxation; so that the great weight of the public burdens lay on the poorer classes. In the case of the duty on tea, for instance, the duchess paid only 50 per cent duty on her tea, while the poor laundress was taxed to the extent of 450 per cent. Then, as regarded the window tax, its inequality had again and again been pressed on the House; but the fact was, that no boon was ever conceded to the people, except under the strongest external pressure. So it had been in the case of Catholic emancipation, conceded under the fear of civil war; and the repeal of the corn laws, only yielded on the imminent approach of a famine. But were the men not to blame who withheld what was just and necessary until the country was on the brink of revolution? He knew Gentlemen on the opposite side of the House who had been strenuous opponents of both the measures to which he had alluded, but who, in February, 1848, acknowledged that they had been wrong, and rejoiced at their concession, as having kept this country free from the troubles which then agitated the rest of Europe. If such was the case, why not at once, and while the country was tranquil, put the Legislative Chambers in harmony with the interests of the people? It was absolutely necessary that that House should be so popular as to form an equipoise to the other House of Parliament, which was so hostile to all reform measures as to have the two Houses in constant danger of a collision. They should prepare for such a contingency; and the only efficient way

would be to widen the franchise. It was quite clear that, from the aristocratic character of the House of Peers, and in a great measure of the House of Commons, no Government could proceed safely in a course of reform. They were constantly between Scylla and Charybdis, pressed onwards by the people on the one side, and checked by the aristocratic influence in both Houses on the other. They had in that House seventy Peers, or sons of Peers; and throughout the country the representation was notoriously bought and sold. He held in his hand the advertisement of sale for an estate, among the many advantages of which, it was stated, that it included political influence over 1,200 independent yeomen. He only mentioned this to show how notoriously Parliamentary influence was bought and sold. It was true that this country had one million of voters—a fair number if properly distributed; but although the metropolis and some large towns had numerous constituencies, they were completely neutralised by the representatives of small boroughs, containing from 100 to 200 electors, and under the domination of Members of the other House of Parliament. With respect to the Amendment of which he had given notice, he wished to know from the Speaker whether, if he moved it, it would prevent a division being taken on the original Motion—a result which he had certainly no desire to effect?

MR. SPEAKER said, that would depend entirely on whichever the House would adopt, whether the Amendment or the Motion.

SIR DE L. EVANS was afraid that the House would not adopt the Amendment, and begged therefore to withdraw it.

Amendment withdrawn.

MR. ALCOCK said, it was his intention to support the Motion, which he considered to be founded in justice and reason. It appeared that, by the present law, one-half of all the medical men not living in cities and boroughs returning Members were disfranchised, for they did not live in houses of the value of 50*l.* per annum. In the town of Epsom there were six medical men, three of whom lived in houses of the value of 35*l.* or 40*l.* per annum, and by the operation of the present law they were disfranchised. This was a state of things which ought not to be allowed to last consistently with justice and common sense.

MR. G. THOMPSON said, that never

since the Reform Bill had been decided, had the question of the enlargement of the franchise come before the House in so important an aspect; and he believed that no Administration had ever greater cause to give the subject their serious consideration than the present, surrounded as they were by difficulties and dangers, and constantly exposed to defeat and disaster in consequence of the state of parties in that House. He hoped that the noble Lord at the head of the Government would draw no false inference from the results of a recent division. He trusted that the noble Lord would not assume from that division that he had the confidence of those who voted on that side of the House, or that he had any rallying point for obtaining the united co-operation of the liberal representatives of the people of this country. If hon. Members opposite, instead of trying to snatch protection under the veil of an attack on our foreign policy, would put forth a programme of enlarged popular rights and an alleviation of fiscal burthens, they might be sure that every consistent and sincere reformer on that (the Ministerial) side of the House, would as willingly go out with them into the lobby as on a recent occasion they had gone out with the Government, when they thought that an Administration should not be put in peril without a decision on a resolution condemnatory of their foreign policy. With regard to the question before the House, he might refer to whole volumes to show that our electoral system was the most unequal in the world; but he would be content to draw his illustrations from a very portable document, namely, a return which had been procured by the hon. Baronet below him for 1848-9. It would be in the recollection of the House, that the return was one of the number of electors on the register for the boroughs and cities of England and Wales in the year 1847, and a return also of their gross population. The list commenced with the smallest constituency and ended with the largest, and it appeared that in the small boroughs there had been at the last general election no contest at all. Now, no Gentleman would pretend to believe, that in 1847, there were not many ambitious aspirants for Parliamentary distinction. He believed that never were there more persons anxious to obtain seats, and he yet found that out of sixty-two boroughs with constituencies of under 500 each, there were uncontested forty-one seats, and contested

twenty-one, and that from the forty-one where there was not the shadow of a contest there came fifty-three Members of Parliament. He found, looking at the boroughs that ranged from 500 to 1,000 electors, that in thirty there were no contests, while they returned forty-three Members, making in all ninety-nine Members returned by seventy-one uncontested elections. And he would further observe with reference to those against which "contest" was marked, that in reality there was no contest. He had looked into the matter, and he was prepared to say that in no case was there any real contest, because in no case had the opposing candidate even the shadow of a chance. He found, therefore, that out of 123 elections for constituencies under 1,000, there were seventy-one uncontested and fifty-two contested; and that, out of 185 Members, ninety-nine had been returned without a contest. Why? Simply because those boroughs were the private property of Peers or wealthy Commoners, and the people, in them, although nominally voters, had no voice or share in the elections which periodically took place. Let him compare these seventy-one uncontested boroughs with fifty large ones sending the same number of Members. He found that the gross number of electors in the seventy-one was 36,767, about equal to the West Riding and the Tower Hamlets. He found the gross population of these seventy-one to be 718,875, about equal to Manchester and the Tower Hamlets. Let them next see who were represented by the ninety-nine Members who sat for the fifty boroughs at the other end of the list. They would find that instead of no contest, there were only eleven uncontested elections; and when he mentioned them, the House would see that the returns had arisen from no unfair influence: Manchester, Birmingham, Salford, Wolverhampton, Oxford, Exeter, Finsbury, Southwark, Southampton. In all these there was most certainly an entire absence of improper influence. The voices and wishes of the people prevailed. The other two, Chester and Shoreham, were doubtful. The total number of electors in the last list was 270,247, being a majority of 233,480 over the seventy-one boroughs at the head of the list. Under such a system there was not a single Member of the Government responsible to the country at large. They had seen noble Lords and right hon. Gentlemen dismissed from large constituencies, and

coming in for small boroughs. Ejected from Westminster they found refuge in Harwich, and therefore they were virtually no more responsible to the people than if they held their seats by hereditary right. He did not wonder at their indisposition to equalise the franchise. Were they so to enlarge the constituencies as to put it out of the reach of wealth to influence, or power to intimidate, many speeches which they now made with impunity, as not having the fear of an election before their eyes, would be left unsaid, and in their room they would have speeches and measures more in accordance with the interests of the country at large. Now if he compared the gross population of the 71 boroughs to which he had first alluded, and of the 50 to which he last referred, he found that in the first—the 71 boroughs—it was 718,875, and in the 50 boroughs it was 4,655,828, making a difference of 3,936,953 in favour of the smaller number. Take another illustration—the relative number of houses rated to the relief of the poor in the two cases. In the 71 boroughs it was 135,200, and in the 50 boroughs it was 899,666, or a difference in favour of the latter of 764,466. The result was that these fifty larger boroughs, though they returned no more Members to that House than the 71 boroughs, where there had been no contest, and could be none with success, contained seven times as many electors, more than six times the population, and seven times the number of houses rated to the relief of the poor. Now let him show them how the system affected the votes and the legislation of that House. Take the last division on the Motion of his hon. Friend the Member for Montrose for amending the representation of the people. Out of the 99 Members who represented these 71 uncontested boroughs, 7 voted for, 43 against that Motion, and 49 were absent from the division; while of the 99 representing the 50 larger boroughs, 47 voted for, 27 against, and 25 were absent. But when he said 27 voted against the Motion, he ought to put the House in possession of the fact that 12 of those who so voted were occupants of the Treasury bench—one of them being the noble Lord the First Lord of the Treasury, and amongst the others were the learned Attorney General, the Chief Poor Law Commissioner, the Second Poor Law Commissioner, the learned Solicitor General, the Secretary of the Admiralty, a Lord of

the Admiralty, a Secretary of the Treasury, a Member of the Ecclesiastical Commission, an ex-Under Secretary of State, a Lord of the Treasury; the united salaries of these gentlemen amounting to no less than 250,000*l.* a year! Take another illustration from the same paper, an illustration which had been used by the hon. Member for Oldham two years ago, but which was so striking and apposite that it deserved to be repeated. If they took a group of boroughs from the top of the list sending 20 Members to Parliament, and another group from the bottom also sending 20 Members, the first group would consist of 14 boroughs, while the second group would consist of 9. In the first they would find 3,135 electors, in the last 141,664 electors; making the astounding difference of 138,529 electors in the return of 20 Members. But it might be said by some, or, if not said, there would be some who might imagine, that there was something connected with the interest of these 14 small boroughs that made their claims to the representation paramount to those of the 9 large boroughs which were permitted to send an equal number of Members to that House. But when he named these 14 boroughs, and contrasted them with the other group of 9, he would leave the House to judge. The 14 were—Calne, Reigate, Andover, Arundel, Richmond, Knaresborough, Thetford, Wilton, Ashburton, Abingdon, Harwich, Marlborough, Midhurst, Northallerton; and the 9 were—the City of London, Westminster, Marylebone, Lambeth, Southwark—these constituting the metropolis of the world, the emporium of the commerce of all nations, the seat of empire and legislation, and the centre of the wealth and influence of the whole world—Liverpool, the second port in the kingdom—Manchester, the largest manufacturing city in the world—Bristol, a port of great wealth and commerce—and Birmingham, the hive of industry, whose wares found their way wherever civilisation had won its triumphs. In the town of Birmingham alone there were 4,400 more electors, 31,666 more rated houses, and 113,787 more inhabitants, than in the whole of the first group of boroughs he had mentioned. Yet Birmingham sent but two Members, while these fourteen boroughs returned twenty. Take the gross population in the 9 boroughs, and compare it with the gross population in the 14. In the nine it was 2,156,493; in the 14 it was 67,329;

being a difference of 2,089,164. They would find the 9 boroughs contained forty-one times as many electors, and thirty-one times as many inhabitants, as all the others put together. In the first group, each Member represents on an average 172 voters; in the second, 7,083 voters; the difference being 6,911. In the first group, each Member represented 3,366 inhabitants; in the second, 107,824 inhabitants; making a difference of 104,458. Take one more illustration from the same authentic source. In 1847 the electors on the register in the Tower Hamlets were 19,350. The Tower Hamlets returned two Members. Now there were sitting in that House 82 Members, voting on all questions affecting the rights, interests, prospects, and destinies of the country, who represented 58 boroughs, the gross constituencies of which amounted to 19,282, or 68 less than those on the register in the Tower Hamlets. Take, again, the test of population, and the result was the same, only somewhat more remarkable. According to the census of 1841, the population of the Tower Hamlets was at that time 419,730, who were represented by two Members; but there sat in that House 93 Members who represented boroughs, the gross population of which was only 419,259 altogether, or 471 less than the Tower Hamlets. What chance had any liberal measure in a House so constituted? What chance had any liberal Government in a House so constituted? Would the noble Lord be frank enough to tell them to-night how, in the present state of parties, he meant to maintain his ground? Would he tell them how he proposed to secure to the people the benefits of past legislation? He would tell the noble Lord, that without a change in the representative system he could not do it. Unless the noble Lord divulged a serious intention to improve the representation of the kingdom, he, and others who were associated with him in liberal measures, would have to give way to a stronger party; and, though the sympathies of those with whom he (Mr. Thompson) acted might not be with that party so much as with the noble Lord and his Friends, they would be glad to vote for any party who, by their acts, would recognise the title of the people to something like fair representation in the House of Commons. It was necessary, if the noble Lord desired to retain that support which would enable him to continue in the

administration of public affairs—it was necessary, both with regard to the people out of doors, and those independent Members in that House who had hitherto helped to sustain the present Government in power, that he should promulgate his intentions on this important question of representation. The same system of inequality which he had spoken of in reference to the boroughs, existed also in regard to the county representation. He would refer to one instance only. The gross number of electors in the counties of Middlesex, North and South Lancashire, and the West Riding of Yorkshire, was 85,482: these returned eight Members to Parliament. In the eight Scotch counties—Bute, Caithness, Elgin, Linlithgow, Nairn, Orkney, Selkirk, Sutherland, the total number of electors was 3,370, and these eight counties also returned eight Members. But, on the principle of equal representation, either the English counties should have 201 Members to represent them, or the Scotch counties should have one-third of a Member amongst them. It would be easy to multiply instances of inequality similar to this, but he had done enough to show the House that there was a necessity, not only for enlarging the franchise, but that it was equally necessary to grapple with the abuse of the representation which gave the franchise to a small number of persons, who had no power whatever, without great disadvantage and positive injury to themselves, fairly to exercise it. He trusted the noble Lord would not prorogue Parliament without giving to the country some assurance that he intended, in the next Session, to propose some increase of reform. He could say, from a tolerably extensive acquaintance with the feelings of the people—and he did not refer merely to the working classes, and those who were now disfranchised, but to those who were the possessors of property, and who were persons of undoubted intelligence—he could assure the House that amongst this class especially, there was not the slightest dread of any danger or injury resulting from an equitable enlargement of the franchise. He was in a condition to assure them that the middle class generally went cordially to the extent proposed by his hon. Friend the Member for Montrose; and if so, how much more cordially would they go in accepting, in the hope of its being regarded as a final settlement of the question, any of those smaller measures which he was

sorry to say were, equally with the more extensive schemes, uniformly rejected by that House. And as regarded the working classes, though they had learned wisdom by adversity, and by the penalties they had paid for their indiscretions, there was still no difference of opinion amongst them on the subject of Parliamentary reform. Though more silently, they were still more deeply and earnestly determined to prosecute the work of the extension of the franchise. In proof of this, he might refer to the various efforts they were making to obtain, without the aid of the House, that position in civil affairs which they deemed themselves entitled to. He was quite sure the Government could do nothing better than to occupy the recess in maturing some large and comprehensive measure of Parliamentary reform; and if they would now announce their intention to do so, they would unite around them in an impenetrable phalanx the Liberal party. Ministers could not but be conscious that the support they now received from that party was often given reluctantly, and that they had exposed their supporters in too many instances to the censure of their constituents; but if they would promise to bring forward some measure of Parliamentary reform next year, the people would unite with their representatives in strengthening the hands of the Government, and would be willing that other matters of amelioration and reform should remain in abeyance pending the settlement of the paramount question. If, however, no such declaration was made, and Government continued to maintain that silence they had hitherto observed, he could tell them that they would do more than endanger their official existence, and prove recreant to their principles—they would betray the Liberal cause into the hands of its enemies, and do all that was in their power to reverse that policy they had so frequently declared they would always abide by; and, forsaking the principles they had twenty years ago contended for, and trusting to patronage and the eleemosynary support of Members on the other side, instead of the justice and grateful attachment of the British nation, they would earn for themselves the censure and condemnation of the whole people.

MR. DRUMMOND said, he had so often advocated in his own county the resolution submitted to the House, that he felt it impossible to avoid supporting it now; but in so doing he was anxious to

separate himself from all the arguments which had been urged in its favour by hon. Gentlemen opposite. The Motion in itself was very simple. It could produce no harm; and, as the Bill could not pass during the present Session, under any circumstances, he would be sorry if Government should think it worth while to oppose it. The hon. Member who spoke last said he had tested the feeling of the people all over the country. That was a slip of the tongue. The hon. Member meant to have said, not that he was a tester, but an exciter of feeling. He had read accounts of the hon. Member's proceedings whilst following that laudable occupation. It was impossible to doubt the fact of excitement prevailing in the country, because the party to whom the hon. Member said the noble Lord at the head of the Government owed his position, had avowed that the whole of these reform measures were proposed with a view to the establishment of a republic. ["No, no!"] Yes, it is so. One of the hon. Members opposite had declared that he always went to a public meeting with extracts from the speeches of the hon. Member for Buckinghamshire, which served him as a sort of pocket pistol, ready to be discharged if occasion served. Now, he liked to follow a good example, and he was prepared with his pocket pistol, which he would discharge at hon. Members opposite if they ventured to challenge him. If he were driven to quote, the reformers might find themselves somewhat embarrassed by the extracts he would read. They might feel somewhat like the bird, of whom 'tis said—

"The eagle's fate and his were one
Who on the shaft that made him die,
Espied a feather of his own,
Wherewith he went to soar so high."

The inequalities in the representative system which the hon. Member for the Tower Hamlets had pointed out, formed the ground on which reform had always been advocated in this country. The arguments now employed by the hon. Member were used by reformers in old times, and were answered by Mr. Canning in this way—that what you call representation, that was to say, a certain number of persons returning a certain number of Members, was never the constitution of England. It was the constitution of the present French Republic, but it never was the constitution here. The Members returned to the English House of Commons were always the representatives of interests, and thus the voters

for the representatives of land in the counties, and of trade in the towns, possessed different qualifications. It must be granted that the Reform Act had destroyed that original principle of our representative constitution; and, looking at the principles on which the Reform Act proceeded, he did not see how it was possible for the Government to avoid adopting the scheme of electoral divisions; but if they should adopt it it would be utterly incompatible with the existence of every one of the institutions of the country. Establish electoral divisions, and all power would at once be lodged in the hands of the shopkeepers, for they were the most numerous class. The hon. Members over the way announced it to be their intention to keep up continual agitation, which they thought essential to the existence of the Government. Indeed, they seemed to suppose that the use of a Government was to be agitated. They also talked of the necessity of Ministers introducing what were called "large and liberal measures," by which it was conceived they would succeed in giving stability to the Government. How a Government could be stable which was always engaged in agitation, he did not know. Nor was it easy to discover what was meant by the word "liberal" unless it was employed to keep the word "Republic" out of sight. The phrase "large and liberal measures" meant nothing else than placing all power in the hands of the people, to the exclusion of the Crown, the House of Lords, and all those classes which hon. Members opposite called the "aristocracy." There was no doubt about the matter. The honest portion of the party avowed that to be their object. The hon. Member for the Tower Hamlets seemed to think that a Member of Parliament should always vote with a view to pleasing his constituents. It was his (Mr. Drummond's) belief that no man could faithfully discharge his duty as a Member of Parliament who looked to pleasing his constituents by the votes he gave, or the speeches he made. The Members who had been least careful of their duty—the most dead and insensible to everything worthy of the name of duty—were those who were influenced by the pitiful vanity of wanting seats in that House. His belief was, that by those men the interests of the country were betrayed. He desired to see a more general and homogeneous system of taxation established than the one which at present existed in this country. But that was not what hon. Gentlemen opposite

wanted: they wanted equality, which, in property, was nothing but destruction of property and starvation for all. ["No, no!"] Yes, they would, without knowing it, bring about here a state of things similar to that existing in France. Nobody in that country said they wanted what they had got, but they had it nevertheless. Hon. Gentlemen opposite might depend on it that the end of all their exertions would be the establishment here of a state of things resembling that which existed in France. Their whole system was founded on contempt of experience and a determination to evolve schemes of government out of their own brains, and not to be guided by what had happened in past times, nor influenced by the scenes which were passing daily before their eyes.

LORD D. STUART agreed in no part of the speech of the hon. Gentleman who had just sat down, except that in which he expressed his intention of giving his support to this measure. He rejoiced that for once that hon. Gentleman was about to give his vote on the side of the people. The hon. Gentleman dealt rather largely and roundly in assertions. He did not think that the hon. Gentleman had any grounds for dealing out such sweeping accusations against the supporters of Parliamentary reform. The hon. Gentleman had told the House that all those on the Government side who advocated this measure were republicans; and the only reason he gave for saying so was that all liberal measures meant, of course, republican measures. It was all very well for the hon. Gentleman to talk in that strain, but he (Lord D. Stuart) did not think that the hon. Gentleman's observations on that subject carried any persuasion with them. For his (Lord D. Stuart's) part, he protested against it being said that he was a republican because he was a Parliamentary reformer. Hon. Gentlemen on the Ministerial side of the House did not at all desire a republic, and he did not believe that any such thing as a republic was by any means desired by the people of this country. But what they did desire was to see a full and fair representation of the people of that House, and not that mock of a representation which they were at present enduring. Did the hon. Gentleman suppose, or did any one suppose, that that House of Commons, as at present constituted, enjoyed the confidence of the people? He maintained that it did not, and those who would go amongst the people to ascertain their real feelings and

opinions on this subject, would come to the same conclusion. He agreed with a great part of what had been said by his hon. Friend the Member for the Tower Hamlets; but there were one or two observations in his speech which he could only attribute to what the hon. Member for West Surrey called "a slip of the tongue," and in which he (Lord D. Stuart) did not agree, and from which he certainly dissented. As he understood the hon. Member for the Tower Hamlets, he said that he was ready, for the sake of obtaining a more fair representation of the people, to give up the principles of free trade. [Mr. G. THOMPSON had merely said, that he was prepared to vote with any party who would propose an extension of the suffrage.] Well, he was glad he had given the hon. Gentleman an opportunity of more correctly stating what what he had said on that subject, because many hon. Gentlemen near him had put a different construction upon his words. Anxious as he (Lord D. Stuart) was for an extension of the suffrage, and for granting to the people their just rights, yet he certainly was not prepared to buy that which would be a great good with the sacrifice of a great principle. There was another part of his hon. Friend's speech to which he also objected—he meant that in which he said that this measure might be accepted by the people as a final adjustment of their rights. Now he was sure that that expression must have been another slip of the tongue—because this measure, as the hon. Member for West Surrey had admitted, was but a very small measure; and nothing of so meagre a character would ever satisfy the people of this country. It was undoubtedly a step in the right direction, and it should therefore have his support. Gladly should he give it his support, because he was determined to vote for every measure, be it small or be it large, which had a tendency to admit the people to an enjoyment of their rights. He regretted that his hon. and gallant Friend the Member for Westminster had consented to withdraw the Amendment of which he had given notice, for that was a much larger measure than the one now before the House; and he (Lord D. Stuart) would have been much better satisfied with it, seeing that he went the whole length of the proposition of the hon. Member for Montrose, at least in thinking that the representative system would not be satisfactory until it admitted at least every man who contributed to the payment of the poor-rates. The hon. Member for West Surrey

had complained that the advocates of these measures were agitators. Well, he could assure that hon. Gentleman that they were determined to continue their agitation until they had the representation of the people placed upon a good broad and sound basis. Until that was accomplished, they never would give up their agitation; and he was fully persuaded that their agitation would ultimately be crowned with success. He would ask any man to look dispassionately at the present system of representation and say whether it was satisfactory. Did any man suppose that the people could be satisfied with it? Did the noble Lord at the head of the Government suppose that things could continue much longer in their present state? No; the noble Lord could not think so, because he had in the course of the present Session let fall some significant words on this subject, which were hailed with great satisfaction. The noble Lord had himself intimated that before long he would turn his attention to a further reformation of that House. Sure he (Lord D. Stuart) was, that, if they wished this country to continue in a satisfactory and safe state, it was necessary that something should be done to amend and enlarge the representation of the people. He did not feel any alarm whatsoever at the introduction of such measures as this. He thought that they might put full confidence in the people of this country if they did but treat them as they ought to be treated—if they did but allow them the enjoyment of those rights which belonged to them. But he confessed that he did look with alarm to a contrary system. He believed that by refusing the people their rights, by continuing the representation of the country on its present narrow basis, they were acting a most dangerous part. The people had, over and over again, demanded an extension of the suffrage; they now renewed that demand calmly and quietly in their prosperity. Was the House sure that the people would always be so forbearing as they now were? Would they come to the House in the same attitude in the hour of difficulty and distress? Then it would be that the people would feel their wrongs with more acuteness; then the people would look about them to discover the causes of their suffering; and then it was that they might be impelled to proceedings which might be most dangerous to the welfare of the country. He contended, therefore, that the true conservative policy of those who wished to preserve the insti-

tutions of this country—who wished to preserve the country in peace and prosperity—was to grant the demands, the just demands, of the people, and to grant them in time—to grant them when the country was in a state of peace and prosperity. They ought not to wait until the country was distracted by distress, and the whole population was in a feverish state of excitement. Resolved as he always was to support any measure having a tendency to grant to the people their rights, and seeing that this was a small step in the right direction, it should certainly have his support; and he did hope that, as the question had been brought forward, the noble Lord would take advantage of it to tell the House and the country what were his intentions with respect to the representation of the people; that he would, at all events, hold out to them hopes that they might, next Session at least, have some great measure introduced by him. Such a measure, whilst it would give contentment to the people, would, he was quite sure, do more than anything else to conciliate and strengthen the party which the noble Lord had so long and so ably represented.

Mr. NEWDEGATE should oppose the Motion. Its great merit in the eyes of the hon. Member who proposed it seemed to be the uniformity it would establish. It would be easy to adopt this uniform 10*l.* franchise; but it was not made at all apparent that it would produce a constituency uniform in circumstances; nor was it at all shown that it was desirable, if practicable, in a country where different classes existed, and ought to be represented to establish this uniform constituency. This uniformity had charms for ultra-liberals, it was so easy to advocate; but he (Mr. Newdegate) feared that in operation it might prove unjust and exclusive. No matter how different the circumstances of a man occupying a house rented at 10*l.* in a borough might be from a man occupying a house at a similar rent in a county, the system of the hon. Member for East Surrey would deal with both after the same fashion. But it appeared that the waters of Liberalism were somewhat turbid that evening, for, said the hon. and gallant Member for Westminster, "I am not at all satisfied with this scheme; and I should propose, as an amendment, no less than three different qualifications—two monetary qualifications—one having reference to the payment of a certain amount by way of income tax, and another the possession of a certain sum of money

in the savings bank." And, then, by way of having a middle franchise, the hon. and gallant Member proposed that the payment of a certain sum, in aid of poor relief, should form a qualification for the franchise. And then hon. Gentlemen, who professed liberal opinions, said this was but a very small step towards what they called "Parliamentary reform." It appeared to him that this was a Motion made simply to put a screw upon the noble Lord at the head of the Government. Now, he (Mr. Newdegate) was not bound by any means to defend the Whig-Radical Reform Bill of 1832, of which the noble Lord was the author. He was not sworn to that Bill, and he was not precluded from considering any well-adjusted extension of the franchise. He was what was called "an old constitutional Tory." But, although he was at liberty to consider any good measure for the extension of the franchise, he did not feel himself called upon to vote for any of the crude propositions of hon. Gentlemen opposite before they were agreed upon what they wanted. It would be ample time to consider measures of this kind when the propositions of hon. Gentlemen opposite assumed a tangible form. He did not believe that there was any extreme anxiety on the part of the people for any change of this description. He was perfectly ready to admit that that House did not possess the confidence of a large portion of the people of this country, and that they had repeatedly expressed their desire that Her Majesty's Government would afford them an opportunity of expressing their opinions by the selection of new representatives according to the existing forms of the constitution. But that did not amount to an expression of want of confidence in the present forms of the constitution. It did not show any want of confidence in the existing qualification for the franchise. The noble Lord at the head of the Government had already introduced into, and passed through, that House a Reform Bill for Ireland. But there appeared a great difference of opinion as to the desirableness of that measure as it stood, and he did not think that the fact of its introduction formed any ground for this proposed extension of the franchise in England. He could not concur in the sentiments of the noble Lord who had last spoken, that, because the people were now contented, this was the very time for disturbing them by introducing some rash change in the qualification for the fran-

chise. There were, he thought, disturbing elements enough in this country, and until the country should, by a dissolution, have an opportunity afforded for speaking its mind, he had a right to conclude that the people had no want of confidence in the present forms of the constitution. If hon. Gentlemen opposite had good grounds for hoping for their return to a new Parliament, he believed that they would not manifest such eagerness for changing the constituencies they represented, and he believed a good many of them had reason for their uneasiness; but that would not induce him to vote for the crude measures of the hon. Member for East Surrey. He did not believe that they were desired by the people of this country.

LORD J. RUSSELL would vote against the present proposition very much upon the grounds that the hon. Member for West Surrey had given for voting in favour of it. The hon. Gentleman had said that he did not think any very considerable mischief could arise from the present proposition—that the House had arrived at a time in the Session at which they could not get any further than allowing the Bill to be laid on the table—that it would be impossible to proceed with it in the present Session, and therefore no great evil at all events could arise. It appeared to him (Lord J. Russell) that that was not the manner in which the House should deal with a question so large and so important as that of the franchise upon which the elections to that House depended. He thought that if the House were to proceed to make some extension or alteration of the franchise—supposing that to be their decision, the measure for that purpose should be brought in early in the Session—that it should receive mature deliberation—that it should be either accepted as proposed, or modified as the House should think fit, but should be proceeded with and passed through that House at least in the course of the Session in which it was brought in. To deal with a question of this kind, and of this importance, by merely admitting Bills to be laid on the table, to leave them there with no intention of taking them up or going on with them, it appeared to him would be trifling with the subject in a manner unworthy of persons in their situation, and not fair towards the people. This seemed to him a sufficient reason for voting against this proposition, without entering into its particular merits. And he thought he was fully

justified in not entering into that particular question of the merits of that proposition, because Gentlemen who had supported it had hardly gone into any argument having the least reference to the proposition before the House; they had spoken of other defects, of other remedies, but had scarcely noticed the Bill proposed to be brought in. He must confess he thought, that if we had to deal with the extension of the franchise, we should not deal with it in the middle of July, not deal with it merely with a view of allowing a Bill to be laid upon the table, and take the chance of considering afterwards in some future Session whether that or some other Bill should be proceeded with. Hon. Gentlemen had invited him into a discussion, into which he certainly should not enter at any length on this occasion, having on former occasions delivered his opinions fully to the House upon the subject; they had treated of a question not at all before the House, not proposed to be affected by the present Bill—namely, the number of the electors to each representative, and the usual arithmetical calculations had been gone through, showing that if you took a number of very populous boroughs, and a number with a very small population, you had a much smaller number of people to those who represented the small boroughs than to those who represented great cities. Why, that, he had always said, was perfectly true; but he really thought it was time for those who brought forward that defect to state, in the next discussion we had, what was the inference they proposed to draw. If they proposed only that some of those boroughs should be disfranchised, they would, as far as this question went, leave new comparisons to be drawn by their successors between the number of electors in certain places, and the number in others, and inequality might still be urged against the representation. But if they really meant to say that inequality ought not to be permitted, and that equality ought to be the rule, then let them show the plan of the districts into which they would propose to divide the country, and let the House have the squares and parallelograms drawn out, that they might see what sort of representation it was proposed to have. He required this the more, because he observed that the hon. Member for the Tower Hamlets, like all who had preceded him in this course of argument, left out altogether the population of our counties, as if they were of no importance whatever—as if they had

no right to any votes—as if they had no claim to be represented. When they mentioned certain divisions in which they had been in a minority, those Gentlemen told the House that the great towns were on the one side, and the smaller boroughs were against them; they entirely forgot that there were such counties as Lincolnshire and Devonshire, which two counties, he believed, had of themselves about 40,000 electors, and, therefore, had a sufficient number to be entitled, even according to their view, to be represented in that House; to have their feelings, their sentiments, their views, stated in the House, and represented in the divisions which took place there. When they next stated this question, he begged that the whole of it might be stated, and that we might see what it was they proposed, and whether to disfranchise these large counties altogether, or whether to give them that additional weight which they certainly ought to have, if it was proposed that the small boroughs should be disfranchised. He begged that when they had this argument next brought forward, they might have their scheme proposed, and might have it shown that the scheme was compatible with our present form of government. For, without entering into the question whether the exact representation of that House was altogether satisfactory, or discussing the inequalities which Gentlemen continually urged who thought an equal representation would be a far preferable thing, he would say that the people of this country were deeply and thoroughly attached to the present form of government under which they lived; and he had always considered it a condition in every reform, a condition which he thought had been happily complied with hitherto, that the representation of that House, the mode in which it was constituted, the mode in which the people elected their representatives, should be compatible and consistent with a monarchy and House of Lords, which, along with the House of Commons, were fundamental and essential parts of our form of government. Therefore the next time the hon. Member for the Tower Hamlets, or others, brought forward this argument, he (Lord J. Russell) should require them to show, first, what was the plan they proposed, and, in the next place, that that plan would produce a result agreeable to the general wish of the people, namely, the maintenance of the form of government under which we lived. With regard to any defects there might

be in the present constitution of Parliament, and any extension of the franchise which might be desirable, he should certainly not think it necessary to state again what he had said on former occasions; he had nothing to add to those statements, and he did not wish to retract any one of them. The hon. Member for the Tower Hamlets had said, that unless he came forward now and gave some pledge that during the recess a plan of Parliamentary reform would be prepared and brought forward at the commencement of the next Session, he and many others would be disposed to lose their confidence in the present Government; that the present Government could not longer subsist; and that, perhaps, Gentlemen opposite, if they would propose something in the way of extension of the suffrage, would have their votes; and that, therefore, he (Lord J. Russell) had better lose no time about the matter. Now, he thought it was right that the Government should form such plans and measures as they considered would be for the good of the country, and bring them forward in due time; if they had not the confidence of that House, and Gentlemen who professed to be so very much for liberal measures thought that a change of Government would be of advantage, let it take place. It seemed to him to be the natural course of events, and then they would see the plans of Parliamentary reform which would be brought forward by those in whom they would then place their confidence. It seemed to him a much fairer way than telling the Government they must immediately proceed with a plan, whether they thought it was good or bad, in order to conciliate the hon. Member for the Tower Hamlets. He (Lord J. Russell) had nothing further to say; he could not agree to these propositions that had been laid before the House; neither did he think that in the middle of July there would be any advantage in proceeding with them.

MR. BRIGHT said, the only reason urged by the noble Lord against the measure was, that it could not pass that Session. But, during this and the last three or four Sessions, the Government had very frequently committed the error attributed to the hon. Member for West Surrey. Only the other day the noble Lord had to sweep from the table a number of Bills which he had brought in this Session; and, if the custom of past Sessions was not omitted this year, he had yet to introduce and debate measures

of considerable importance, which he professed to hope to be able to carry even before this Session was at an end. The noble Lord's mode of arguing this question was not at all satisfactory, not in accordance with his duty on a matter which he admitted to be of great consequence. He complained that the speeches in support of the measure had not been to the point; but surely that observation could not apply to the hon. Mover of the Motion, or to the hon. Member for Montrose. But not a single sentence of the noble Lord's observations had the slightest reference to the particular Motion. He had contented himself by speaking partly jokingly and partly querulously of the speech of the hon. Member for the Tower Hamlets; he had thought it sufficient to meet the question by saying that a considerable amount of arithmetic had been expended upon it, and that the usual figures had been brought forward to prove the existing inequalities; and he sought to raise the inference, that hon. Gentlemen who supported this measure thought no Parliamentary reform would be of service unless it gave an exact amount of acreage, of rateable property, or of voting power, to every electoral division, whether county or borough, in the united kingdom. Had they just dropped down upon the island, and were without any government whatever, but with their present notions of representative institutions, he took it for granted that the noble Lord himself, with all that courage which he displayed most when he was wrong, would not dare to propose to the intelligent people of this country a system of representation like that now existing in Great Britain and Ireland. He presumed that all rational men would take the course which was taken, or soon to be taken, in our colonies, or in the formation of new States in the American republic. But they were quite conscious, as was the noble Lord, that that was not a desirable, or perhaps a possible, thing to be done under the circumstances of this country, and therefore they were not foolish enough to ask for it; but they asked that those glaring and notorious irregularities should be diminished, that those just grounds (and nobody knew better than the noble Lord that there were just grounds) of discontent to the great body of the people, should be greatly mitigated, if not entirely removed. The proposition before the House was for extending the borough 10*l*. franchise to counties.

The noble Lord had lately been in Lancashire, and must know that in that and many other counties, there were considerable towns and large villages, and thousands and tens of thousands of houses, the occupants of which had not the franchise at all, though these houses would give the franchise in boroughs. They asked that the principle which was good in the boroughs should be held good in the counties; that the intelligence which was sufficiently enlightened to vote for Members of Parliament in a borough, should be held sufficiently enlightened in a county; that the rating value which was sufficient in boroughs, should be held sufficient in places beyond their limits. If the noble Lord had not an unchanging hostility to the extension of the franchise, this proposition was one of the most moderate and reasonable that could be offered to the House; and though it fell very far short of what he believed it was the duty of the Government to propose, it would have the beneficial result of convincing the people that there was a disposition on the part of their governors to extend their political rights, and by degrees to admit an increasing number of the people within the pale of the constitution. The effect of carrying such a proposition as this would be to unite public sentiment in favour of the institutions of the country to an infinitely greater degree than could ever be done by such conversations and such speeches as that of the noble Lord. They had been accused of forgetting such counties as Devonshire and Lincolnshire; they did no such thing. The noble Lord himself had probably not forgotten that he was once a candidate for Devonshire, and the rejected of Devonshire. [Lord J. RUSSELL: But twice elected.] Twice elected, and afterwards rejected, which was only the more discreditable to that constituency. With the comparatively limited constituency in that county, the noble Lord had found himself attacked by the combined power of the landlords and the Church; for they said, "Lord John is going to bring the Pope back, and it is likely a great many of us will be burnt." The noble Lord would admit that if he could have appealed to a larger number of the people on that occasion, if he could have gone from the parsonage house down to the houses of 10*l*. value in the towns and villages, in all probability he would have been at that hour the representative of one of the largest and most important counties in England. Ad-

mitting the fact, that the constituencies were large in Lincolnshire and Devonshire, he wished they were larger, and he wished that in every part of the country, not one in seven only, but a much larger proportion, were allowed to vote for Members of that House. The noble Lord's proposition, that the people were attached to our present form of government, could not be disputed, nor did he wish it to be disputable; but if, twenty years ago, the noble Lord was justified in laying on the table of the House that great measure with which his name would be forever identified, and in invoking the power of popular bodies to put down opposition in that House, and to suppress the voice of the House of Lords — after twenty years of such progress as we had seen — progress in education, in industry, in wealth, in every thing that tended to make a nation great, the noble Lord would be still more justified now in introducing another measure, which should be as great a step from our present position as the measure of 1832 was from the state of things which previously existed. Much had been said recently about constitutions abroad; it was said to be the duty of that House and the country to interest itself in constitutional government abroad. Let them remember that their own constitution, of which the noble Lord was one of the loudest boasters, gave the franchise only to one grown man in seven in this united kingdom. He should be ashamed to own himself a citizen of this country did he believe it possible that, for any length of time, it could be tolerated that six men out of seven should be shut out from the ordinary exercise of the common right of the franchise. They were charged by hon. Gentlemen opposite with pointing to other systems of government and republican institutions; if the Legislature persisted in maintaining a system like this, so contrary to common right and to the interests of the country, was it to be wondered at that men should look to other countries for an example of what worked so well there, and which they thought would work as well at home? He agreed that this Bill could not pass in the present Session; but he did not agree with the noble Lord in thinking that a discussion, even in the month of July, upon a great question of public right and interest, could be of no public importance, and not worth the attention and consideration of Parliament. Before the Session was over, many

nights would yet be spent in discussing matters not to be compared in importance with this; and he most fully joined with the hon. Member for the Tower Hamlets in hoping that the noble Lord would not go on month after month, Session after Session, and year after year, hesitating to propose that which must be in accordance with his own principles, and which he knew must be ere long proposed, until he was driven by the force of agitation, which had once before overtaken him, to do that which could be much more easily done at present. He should most cordially give his vote for the Motion. It was one which merited fair and candid attention, and the adoption of the House, and which, if carried, would give the greatest satisfaction to every part of the kingdom.

MR. LOCKE KING replied: The independent Members were most curiously treated, for whenever they brought forward a Motion, they were sure to be told it was not the time for it. He was happy to find, however, that the noble Lord had not adduced one argument to prevent his hereafter bringing forward a measure which would even go to the extent desired by the hon. Member for Montrose. It seemed as if the noble Lord only said "No" that he might be pressed a little warmly, and refused the overture that he might yield to a stronger embrace.

"Et fugit ad salices et se cupit ante videre."

There were two parties in the House, and the noble Lord was puzzled between them. On the one hand were the Reformers, and on the other the anti-Reformers. The noble Lord turned from one to the other, and, like Captain Macheath, sang—

"How happy could I be with either
Were t'other dear charmer away—
But, while you both tease me together,
To neither a word will I say."

MR. GRATTAN claimed leave to say one word before they divided. It was said, the voters in England were only one in seven; there were 8,000,000—say, at least, 7,000,000 of people in Ireland, and only 70,000 electors. The noble Lord was accused at once of being a jocose Minister, and a querulous Minister. For his part, he preferred a jocose to a morose Minister; but, in a few days, the noble Lord would have a matter of serious import to look to, be he one or the other. The noble Lord had talked of adhering to the ancient and fixed principles of the constitution; and he (Mr. Grattan) was satisfied

to remain under it, and so were the Irish people; but they must have that constitution. The people of Ireland had put the noble Lord on his trial, and they asked him what his fixed principles would be with respect to the 8*l.* franchise. The House had passed a Bill, which had fixed on an 8*l.* franchise for the Irish voter, and that Bill had been altered in another place. Would the noble Lord adhere to the fixed principles of which he had spoken, or would he consent that the Irish people should be overridden and trampled down? He (Mr. Grattan) protested against being trampled upon, and claimed the full performance of the bond which they had made with the Irish people. He would exact every tittle of that bond, and if one jot of that 8*l.* rating was abandoned, and if they were base enough to allow the people of Ireland to be crushed in such a way, there was an end to the British House of Commons. He called on the House to stand by their principles. Let the noble Lord take care that his victory of "one" yesterday was not as dearly purchased as ever was majority bought by a trepidating Minister. Rather than abate the tardy rights which had been granted to the Irish people, it would be better for every Irish Member to vacate his seat at once.

MR. DISRAELI: Sir, I ought to apologise to the House for rising after the hon. Mover has made his reply. But, as another hon. Gentleman has spoken, and as the question has assumed a new aspect, I hope these circumstances may plead my apology. What I have noticed during the debate is, that English Members on the other side have found fault with the Reform Act for England, and an Irish Member on the other side has found fault with the Reform Act for Ireland. On this side of the House we are not responsible for those Acts. The noble Lord opposite has a deeper personal interest in them than we have. In listening to this debate, the circumstance that has particularly struck me has been the erroneous apprehension on the part of hon. Members of what our constitution is. Sir, I always believed and supposed that every Gentleman, whatever his opinion may be of the proper franchise for England or Ireland, considered that the constitution of England was a monarchy, modified by estates of the realm, that is, by privileged classes, who are invested with those privileges for the advantage of the community. We have a Throne—we have a body of Peers, and a body

of Commons, who are in possession of certain privileges, which privileges you may increase, enlarge, restrict, or diminish; but still those privileges have always been, and must remain, the privileges of particular orders, and enjoyed by only a limited portion of the community. We know what is the result, whatever may have been the original intention of such a constitution. It has established the aristocratic principle in the widest and most noble sense of the term. But it has permitted all classes to aspire; and however society might be divided in olden days, there was no class which could say it did not possess the privilege of electing representatives to the House of Commons, from the proudest manorial lord to the humblest artisan. Less than a quarter of a century ago this was the acknowledged state of things. You thought proper to terminate that scheme. It was terminated by the noble Lord in his official capacity; enthusiastically supported by many Members of this House. There is no Member opposite who has not acquired his seat in this House by adopting the views of Government, and the principles of the Reform party. They are responsible for, and they ought to be grateful to, the Reform Act. But now a great many Gentlemen opposite seem discontented with the settlement of 1830, who at that time were ready to vote black was white in its behalf—who went to the country for the Bill, the whole Bill, and nothing but the Bill—who had so profoundly and so maturely investigated the question—who, knowing they were deeply responsible, therefore weighed the circumstances well—weighed well the circumstances of a great political change in a great country, resolving to take care that they adopted nothing in a rash spirit—that what they adopted should only be adopted after due investigation, and that after it was adopted they would admit no new scheme—who recollecting what they owed to the country, as Members of Parliament, gave their calm and deliberate consent to a change which they determined should be permanent. But ever since the Bill, the whole Bill, and nothing but the Bill, has been gained, the result appears to give only partial satisfaction. We constantly hear querulous complaints of the law from hon. Gentlemen opposite, who were sent to this House by the operation of this law, and who represent what are called liberal opinions in this House. These hon. Gentlemen, we find, are con-

stantly quarrelling with the political arrangements which sent them into the House. I speak not only my own feelings, but the feelings of many of my friends, when I say we have no superstitious reverence for the Reform Act. I will admit I should have opposed it had I been in the House at the time, brought forward as it was by a party, in opposition to whom, from historical conviction, I ever acted. But it was carried by a large majority. It may have been carried by agitation out of the House as well as in the House; it may have been carried by popular passion, but unquestionably it was ultimately received as the settlement of a great public question—not a great party question. No doubt, in that settlement the interests of the party who carried the measure were duly considered. Had we introduced the measure, and had we carried it, no doubt we too should have considered the interests of our party. I willingly give the noble Lord credit, that his first consideration was the nation—his next his party—all I will say, that though the settlement of the question was hostile to us, the promise that our adhesion to this law should be sincere, has been respected and fulfilled. And, now, though we have no superstitious reverence for the Bill, we cannot be blind to the great public inconvenience and injury likely to arise from the proceedings of hon. Gentlemen opposite, who, in a detailed manner, are sapping that settlement which they accepted at the time with so much enthusiasm. I do not think it was a settlement that might not have been improved. I regret that when the privileges of the working classes were abrogated, no equivalent was devised. I regret that in the Reform Act the rights of the working classes were not more respected. But who voted against them? Who voted against the freemen? The liberal Members, the clamourers for the whole Bill, and nothing but the Bill. And who since has been a more active opponent than the hon. Member for Montrose of this class of voters? Though corruption might in some instances be proved against them, as it has been proved against other classes, this was not sufficient to invalidate their privileges—their rights ought not to have been destroyed, unless an equivalent had been first proposed. I think, as far as we are concerned, when we see these perpetual quarrels about the operation of the Reform Act on the other side, we might be silent; but

I think it more respectful to the House and to the Government to express our opinions on this question. Sir, what I wish to know is, what hon. Gentlemen opposite mean? Do they mean to say they will no longer endure the ancient constitution of the country—a monarchy modified by the political estates of the realm? If they are of opinion that every acre ought to be represented—every pound sterling of capital, and every individual of the population, ought to be represented in this House—if they say this, then I reply, you propose a revolution in the constitution. If the House is to represent all material and personal interests, it is absurd to suppose any influence can be exercised by any other estate of the realm, or by the Crown. But are you prepared to do it? Why do you come forward with a 10*l.* franchise, which, when met by an Amendment, you withdraw? Are you prepared to say that every man “full grown” shall be entitled to the suffrage, and ought to be allowed to exercise it? Why not come forward and make the proposition? On the contrary, the most eminent Members of your party have made speeches against it. The hon. Member for the West Riding disclaimed this plan of representation. The hon. Member for Manchester even limited himself on this subject. Not one man of eminence countenances the proposal about every “full-grown” man, though what “full grown” really means—what description of man the term applies to, it is not very easy to understand. But if this is in your language the House of the people—if you mean to concentrate in it all the personal and material interests of the multitude, then you are bound to give the suffrage to every one. You do not propose that—you disclaim it—you shrink from it—you admit that it is dangerous. Then I come to this, that the constitution of this country is a matter of convention and compact, and that the Commons of England must be a body, greater or smaller, which possesses and exercises a privilege. If you admit that, and you have admitted it, it becomes a question for us to decide, what we think, on the whole, is a wise and politic arrangement of these privileges. The noble Lord proposed at no very distant period a certain arrangement that was accepted after a great struggle, if not cordially at least completely; it immensely increased the number of the Commons of this country who were privileged—that estate of the realm was greatly increased

in number, in consequence, and in power; and from the increase of that power great, and on the whole beneficial, changes have taken place in the legislation of this country. Now, will you meet the question fairly, and tell us that you are prepared to change the constitution of the country? You will not. You come forward at the end of the Session, and propose a resolution, and make speeches which do not apply to the resolution, but something much wider and more vague; but not one of you will say that you wish to concentrate all power in this House. Not one of you will do that, because you know that our answer would be that you would have then to intrust privileges to persons you will not confer them on. It becomes, then, a question whether the settlement made by your party in 1832, on the whole, was not a settlement well-considered at the time by the nation, and accepted by the nation. The hon. and gallant Member for Westminster told us to-night that nothing could be more preposterous and absurd than to suppose that the body of constituents, as representatives of the population of this country, which was deemed satisfactory twenty years ago, should be deemed satisfactory now. But you quite forget that under the machinery of your Reform Act, the constituency should expand in relative proportion to the population. According to the hon. and gallant Member for Westminster, the House might suppose that eighteen years ago the House settled and decided the number of constituents that were to choose the House of Commons. But you forget—or choose to forget—that they established at that time a certain number of tests, and that we can annually place on the roll of the Commons those additions to our property and numbers which those tests qualify and sanction. The argument of the hon. and gallant Member for Westminster is, therefore, idle. But what have we heard in and out of the House of Commons? Speeches addressed to the working population, telling them that they have political power at their command if they choose to acquire it. Have I not heard eloquent addresses to the working classes, showing how, if any working man realised an income of 40*s.* per annum, he could thereby acquire political power? Have we not been told over and over again that the object you had in view was to change the depositaries of power, and that the obvious and facile mode of enabling the

working classes to do this was to possess themselves, as they easily might, of the elective franchise? Have we not heard over and over again that the working men of England, if ordinarily industrious and frugal, could easily possess themselves of that franchise, and thereby change the depositaries of power? And are we to be told to-night that with all these advantages—with all this machinery supplied by the constitution, the people of England are so besotted and degraded—so incapable of self-exertion and self-respect, that they cannot make the effort that is necessary to possess the power which is described as being so desirable? On this point the whole of the question hinges. Is the possession of the franchise to be a privilege—the privilege of industry and public virtue, or is it to be a right—the right of every one, however degraded, however indolent, however unworthy? I am for the system which maintains in this country a large and free Government, having confidence in the energies and the faculties of man. Therefore, I say, make the franchise a privilege, but let it be the privilege of the civic virtues. Hon. Gentlemen opposite would degrade the franchise to the man, instead of raising the man to the franchise. If you want to have a free aristocratic country—free because aristocratic—I use the word aristocratic in its noblest sense—I mean that aristocratic freedom which enables every man to achieve the best position in the State to which his qualities entitle him; I know not that we can do better than adhere to the mitigated monarchy of England, with power in the Crown, order in one estate of the realm, and liberty in the other. It is from that happy combination that we have produced that state of society that all other nations look upon with admiration and with envy. We have been told to-night by the hon. and gallant Member for Westminster, to look at France, and make that our model: he tells us that Paris has 74,000 electors, and that he only represents 7,000. But does the hon. Gentleman recollect that for every Parisian elector there are two bayonets to keep him in order? And when we remember that 7,000 electors have sent him to deliver these unworthy sentiments, we cannot forget that they are the electors who for centuries sent men to this House fully capable of maintaining the liberties of the country—that it was they who sent Mr. Fox and Sir Francis Burdett, and men who were the life and the leaders

of this country for more than 200 years, to maintain the great society of which we are all proud to be Members. To compare such a system and such a country with France—to compare it with a country from which the next telegraph may bring a fresh combination of anarchy, is a degradation I did not think a reformed House of Parliament would have tolerated. Sir, I leave the question in the hands of the House. I have been told that it would be a good thing to leave the Government to fight it out with its supporters. Probably in Parliamentary tactics that would be the wisest course, but with such tactics I have nothing to do. I respect the verdict of the nation upon this subject: notwithstanding the pettier details and arrangements of the Reform Act may have been intended to consolidate Whig power, and gratify the passion for Whig patronage, I think it yet a settlement accepted by the great body of the people; and in a country which has attained to so much political power and material prosperity, we ought not idly, for the gratification of any personal or factious feeling, to disturb it. You disturb it; but what is the real secret of all these July Motions for Parliamentary reform? You know very well that if an appeal to the privileges of the Commons of England was made, as they have been enlarged by the Reform Act, not one in ten of you would be returned to this House. And you think that by some patching up of the constituency, some altering, and botching, and varnishing, and veneering, you may still remain Members of Parliament. There is not the slightest chance of it. Have universal suffrage to-morrow—do what none of you dare—propose that every full-grown man shall have a vote, and I believe most sincerely you would be swept from the House. I do not believe that the artisans of this country—I do not believe that the constituencies, however qualified, or however constructed, would support you; but, on the contrary, that under such circumstances, the great interests of the country would have the influence they ought to have—that the great body of the people would be faithful to the traditional interests of Englishmen, and declare that whatever might be the political form—whatever might be the franchise—whatever might be the system you adopt, they would be for the monarchy and the empire, they would be for that polity which has made Englishmen eminent, and that they

would give a great national verdict against the scheme of national degradation of which you are the friends.

SIR B. HALL said, that it was usual, when an hon. Gentleman brought forward a Motion for the consideration of the House, that, after the discussion of that Motion, his reply closed the debate. In the present case, there was a departure from that custom—an extraordinary departure. His hon. Friend the Member for Meath rose after the reply, and alluded to certain measures not immediately under the consideration of the House. The hon. Member for Buckinghamshire, upon the assumption that he was to reply to those extraneous observations of his hon. Friend, got up and violated the rules of that Assembly. The words of the hon. Member were, in substance, that, in consequence of new matter having been introduced, a new debate was generated. The hon. Gentleman, one would have thought, would at once have addressed himself to that new matter—would, at least, have made some reference to what fell from the hon. Member for Meath—that he would have justified the pretended cause of his rising; but the fact was, he did not even allude to it. Upon the main subject introduced by his hon. Friend the Member for Meath, there would be time and opportunity for discussion; but this he would say, that he hoped that the House would now be firm in the resolution which it had passed. But when the hon. Gentleman said we are for a Monarchy—we are for a House of Lords—we are for a House of Commons representing the people, he only echoed the sentiments of himself and his friends. But the hon. Gentleman said, “What do you want?” He would tell him what they wanted—they wanted that which they had often asked, but which had not been conceded to them—they wanted an extension of the franchise. It was now nearly twenty years since the Reform Bill had been passed, and they had since then often attempted to obtain a franchise more suitable to the growing wants and wishes of the population, but they had been foiled in almost every instance. Even a proposal for extending the period for the payment of the rates three months longer than the original period, had not been carried until after a struggle of thirteen years. The hon. Gentleman said, that if he had been in Parliament he would have opposed the Reform Bill; let me ask him, if he was always of that opinion? [Mr. DISRAELI intimated

that he was.] Will the hon. Gentleman look my hon. Friend the Member for Montrose in the face, and say, that he has been always of that opinion? [Mr. DISRAELI: Certainly.] Certainly! Why, the hon. Gentleman, who now stands forward as the great champion of protection, at one time held opinions now entertained by Gentlemen on this side of the House. The hon. Gentleman said in effect—“We have determined upon the Reform Bill, and we have resolved that it shall be a final measure.” Let me ask him, if these were always his principles? Did he not go down to the borough of High Wycombe as the *protégé* of the late Mr. O’Connell and the hon. Member for Montrose? Did he not go down under these auspices? [An Hon. MEMBER: That’s a poser.] Oh! but that is not all! I have not gone half through the catalogue of the hon. Gentleman’s political eccentricities; but I will only ask one more question. Did he not endeavour to represent Marylebone? Did he not wish to go into Parliament for that borough on liberal principles? Why, I can tell the hon. Gentleman and the House the very shape in which he framed his address, and the place in which he wrote it; and if I had had any idea that the debate would have taken this turn, I would have been prepared with a copy of that excellent address. Yes, I can tell the hon. Gentleman of the very place in which that address was penned; and I think I had better do so. Because either the memory of the hon. Gentleman has forsaken him, or else he wishes to delude us into believing that he has ever been a consistent politician. That address was concocted in Crawford-street, Bryanstone-square, in the borough of Marylebone. The hon. Gentleman visited a tallow-chandler there, and it was in his house he wrote that address. There sits the hon. Gentleman, the champion of the protectionist party—there sits the hon. Gentleman—who says, if he had been in the House, he would have voted against the Reform Bill—and yet that same hon. Gentleman went to High Wycombe under the auspices of my hon. Friend beside me, and of the late Mr. O’Connell, and subsequently put himself forward to represent Marylebone borough on liberal principles. I have the highest respect for the talents of the hon. Gentleman; but I am stating facts, and I again assert that, under the hand and seal of the hon. Member for Montrose and the late Mr. O’Connell, the hon. Gentleman was sent down

to High Wycombe, as a candidate for the representation of that borough. And who were the gentlemen he selected for his political godfathers? Two ultra-radical Members of Parliament, who drew up and affixed their names, as I am informed, to that document which is called "the Charter." The hon. and learned Member for Nottingham can correct me if I am wrong. I do not say the hon. Gentleman went to the whole extent of the principles of the Charter. I do not say he was quite up to that mark; but that he wished to appear as a decided liberal, I think there is abundant evidence to prove. I have now done with the hon. Gentleman. There he now sits, the champion of the protectionist party—the hon. Member who had been a candidate for Marylebone—a candidate for High Wycombe on liberal principles. As the hon. Gentleman says that we, on this side, will be hooted from the hustings, because, as he admits, we advocate liberal opinions—an extended suffrage—I will give the hon. Gentleman this invitation: Let him show himself on the hustings of Marylebone—that borough which he once aspired to the honour of representing—and I will undertake to encounter him on the hustings, in the presence of that immense constituency, and I have no doubt he will also have the pleasure of meeting that same tallow-chandler in whose shop he wrote his former radical address. I will not pursue this subject further, nor would I have at all touched upon it, if the hon. Member had not in a most unusual manner reopened the debate, and gone into the whole subject before the House. I will support the Motion of my hon. Friend the Member for East Surrey.

MR. DISRAELI: I hope the House will permit me to say a few words in explanation of the personal attack of the hon. Baronet the Member for Marylebone, which he has brought forward with an air of originality, although it has been twenty times referred to in this House. Although the House may not recollect so insignificant a subject, it has been often alluded to; but I wish to correct one or two matters of fact. The hon. Baronet is entirely wrong in his statement, in saying that I was a candidate for any place when the merits of the Reform Bill were in question; because it was then passed. I have expressed my opinion on that measure at all times openly; and whatever eccentricities of opinion I may have exhibited, I have always been in opposition—and from no interested motives

—to the Whig party. I have maintained the real, historical, traditional Tory policy of the country; and when I saw a great political movement made by the party to which I am attached—right or wrong, I felt it my duty, manfully, and independently I hope, to express my opinion. [*Cheers.*] When the Reform Bill passed, although I opposed the Whig settlement of that question, yet I accepted it because it had been accepted by the country. But the hon. Baronet is mistaken if he supposes that I supported the finality of that measure. I beg to deny it; I deny that I ever said anything in this House, or out of it, upon any occasion, which could authorise such a statement. The hon. Gentleman said I went down to High Wycombe with the recommendation of my hon. Friend the Member for Montrose. Why, Sir, I lived in High Wycombe before the Reform Bill. I was bred there, if not born; and it is to my connexion with it that I owe the honour I now enjoy of representing the county. As to the statement of the hon. Baronet respecting the borough of Marylebone, which he now by some happy chance represents, and the aid of the tallow-chandler whom he reviles, but who, I dare say, was his principal support, I know nothing. I may have employed the tallow-chandler; but, generally speaking, I cannot recollect any statement of mine in the address alluded to which is not in unison with the opinions I always entertained on the subject. The hon. Baronet has accused me of being the advocate of Parliamentary finality. I disclaim altogether that office. I have been always opposed to the system of reform; because I hold it to be adverse to the interests of the party with whom I acted: that is all. I have already refuted as much as I need refute those ludicrous misrepresentations; and, in conclusion, I shall only say that I have upheld, as I always shall uphold, those opinions which I entertained even in extreme youth.

The House divided:—Ayes 100; Noes 159: Majority 59.

List of the AYES.

Adair, H. E.	Bright, J.
Adair, R. A. S.	Brocklehurst, J.
Aglionby, H. A.	Brotherton, J.
Alcock, T.	Brown, H.
Anstey, T. C.	Brown, W.
Bass, M. T.	Carter, J. B.
Berkeley, C. L. G.	Clay, J.
Blake, M. J.	Clay, Sir W.
Blewitt, R. J.	Cobden, R.

Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Crawford, W. S.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Drummond, H.
Duncan, Visct.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Evans, W.
Evelyn, W. J.
Ewart, W.
Fagan, W.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Grattan, H.
Greene, J.
Hall, Sir B.
Harris, R.
Hastie, A.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Howard, hon. C. W. G.
Humphery, Ald.
Hutt, W.
Jackson, W.
Kershaw, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Meagher, T.
Mangles, R. D.

Marshall, W.
Matheson, Col.
Melgund, Visct.
Milnes, R. M.
Mitchell, T. A.
Morris, D.
Mowatt, F.
Muntz, G. F.
Norreys, Sir D. J.
Nugent, Lord
O'Connell, J.
O'Connor, F.
Pearson, C.
Pechell, Sir G. B.
Perfect, R.
Pigott, F.
Pilkington, J.
Ricardo, J. L.
Rice, E. R.
Romilly, Col.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Somers, J. P.
Stuart, Lord D.
Talbot, J. H.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Wakley, T.
Walmsley, Sir J.
Walter, J.
Westhead, J. P. B.
Willecox, B. M.
Williams, J.
Wood, W. P.
Wyld, J.

TELLERS.

Hume, J.
King, P. J. L.

List of the NOES.

Abdy, Sir T. N.
Aceland, Sir T. D.
Arbuthnott, hon. H.
Arkwright, G.
Armstrong, Sir A.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baldoek, E. H.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Bateson, T.
Bellew, R. M.
Berkeley, Adm.
Blackall, S. W.
Blair, S.
Booth, Sir R. G.
Bouverie, hon. E. P.
Boyd, J.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord

Cardwell, E.
Chatterton, Col.
Chichester, Lord J. L.
Coles, H. B.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Elliot, hon. J. E.
Farnham, E. B.
Farrer, J.
Fitzwilliam, hon. G. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Freestun, Col.

Frewen, C. H.
Galway, Visct.
Gooch, E. S.
Granby, Marq. of
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guernsey, Lord
Guest, Sir J.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Hatchell, J.
Hawes, B.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hobhouse, rt. hon. Sir J.
Hood, Sir A.
Hope, H. T.
Hotham, Lord
Howard, Lord E.
Howard, P. H.
Hughes, W. B.
Ingilis, Sir R. H.
Jermyn, Earl
Jervis, Sir J.
Knight, F. W.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. E.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Mackinnon, W. A.
McNeill, D.
Mahon, Visct.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Maule, rt. hon. F.
Meux, Sir H.
Moody, C. A.

Morison, Sir W.
Mostyn, hon. M. L.
Mundy, W.
Newdegate, C. N.
Ogle, S. C. H.
Ord, W.
Packer, C. W.
Paget, Lord A.
Pagot, Lord C.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Parker, J.
Patten, J. W.
Plumptre, J. P.
Price, Sir R.
Prime, R.
Pusey, P.
Richards, R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Scott, hon. F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sibthorp, Col.
Simeon, J.
Smith, M. T.
Smyth, J. G.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spooners, R.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Sutton, J. H. M.
Tenison, E. K.
Thompson, Ald.
Townley, R. G.
Trollope, Sir J.
Tufnell, H.
Tyrell, Sir J. T.
Vivian, J. E.
Vyse, R. H. R. H.
Wall, C. B.
Watkins, Col. L.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Hill, Lord M.
Hayter, W. G.

COFFEE.

MR. C. ANSTEY moved for the appointment of a Select Committee to inquire into the state of the colonial and foreign trade in coffee, and of the public revenue derived from thence. He would content himself by simply stating to the House, from official returns, the decline which had taken place in the revenue derived from that article, notwithstanding the increase in the imports. In 1846, the revenue derived from coffee was 756,838*l.*; in 1847, 746,436*l.*; in 1848, 710,270*l.*; and in 1849, it had been only 643,218*l.*

The quantity of coffee imported had increased from 51,813,651 lbs. in 1846, to 63,320,506 lbs. in 1849, while the quantity entered as for home consumption had decreased from 36,793,061 lbs. in the former, to 34,431,074 lbs. in the latter year. The revenue of the last year derived from coffee, as contrasted with 1847, showed a decrease of not less than 250,000*l.*; and in the present year it had been calculated that there would be a decrease of not less than 100,000*l.* In connexion with the decrease of the quantity of coffee consumed, there had been, at the same time, an increased consumption of upwards of 100 per cent in chicory. Under these circumstances he trusted that the House would consent to the appointment of this Committee.

Motion made, and Question put—

"That a Select Committee be appointed, to inquire into the declining state of the Colonial and Foreign Trade in Coffee, and of the public revenue thence derived, and whether such decline is attributable to any frauds practised by the sellers of Coffee, or others, and as to the best means of preventing such frauds."

MAJOR BLACKALL seconded the Motion. He said that a short time since he had presented a petition from the growers of coffee in Ceylon, stating that the quantity of land cultivated for coffee in that island was not less than 30,000 acres, the amount of capital embarked in its cultivation, 1,200,000*l.*, the annual outlay was not less than from 300,000*l.* to 400,000*l.*, and they prayed the House to institute some inquiries into the causes which had led to the sudden depression in the sale of coffee. He entirely concurred in the prayer of the petitioners.

THE CHANCELLOR OF THE EXCHEQUER said, that the subject of the use of chicory had been brought before the House on a former occasion, and he had supposed that the House would have heard no more of the subject in the present Session. With respect to the present Motion, for the appointment of a Committee to inquire into the subject, he thought they need not go further than the hon. and learned Member's speech itself in order to show that such a Committee was entirely unnecessary. The statements of the hon. and learned Gentleman were not denied by any person. There was no difference of opinion upon the subject. What, then, were the Committee to inquire into? The hon. and learned Member had, upon the last occasion of his bringing forward this subject, proposed two plans for the adop-

tion of the House. He (the Chancellor of the Exchequer) had stated his objections to both of them; and the hon. and learned Member, at the conclusion of the debate, expressed himself as perfectly satisfied. If the hon. and learned Member was now prepared with a third plan, he should be perfectly ready to give it the fullest consideration. With respect to the falling off in the revenue derived from coffee, that was to be attributed in a great measure to the diminution of the entries of foreign coffee, and he had hoped that the returns of the last month would have given some satisfaction to the hon. and learned Gentleman on this subject. On comparing the monthly returns of the present with the past year, he found that in the month ending June 5, 1850, the quantity of colonial coffee imported had been 2,716,000 lbs., and the foreign only 209,000 lbs., while for the corresponding period of the last year the quantities had been—of colonial, 2,467,000 lbs.; and foreign, 438,000 lbs.: showing a decrease in the importation of foreign coffee in the month of June last, as compared with the corresponding month of the previous year, of not less than 229,000 lbs. He was not prepared to place an excise duty upon the growth of chicory, neither was he prepared to prevent by excise regulations the mixture of chicory with coffee, both of which plans had been suggested by the hon. and learned Member on a former occasion; and he opposed the present Motion, as he did not conceive that any further information was required on the subject.

MR. M. GIBSON said, he did not wish to detain the House, but it happened that he had presented a petition from the Chamber of Commerce at Manchester, relative to the declining state of the colonial coffee trade. He certainly agreed with the right hon. Gentleman the Chancellor of the Exchequer that there could be little use in appointing a Select Committee to inquire into the subject, especially at this period of the Session; and he thought that this remedy for the declining state of the colonial coffee trade ought not to be suggested in that House. One remedy suggested, and he hoped the right hon. Gentleman would take it into consideration, was, that they should impose an equal duty on foreign and colonial coffee. Colonial coffee now enjoyed a protection of 50 per cent against foreign coffee, and there could not be a more propitious moment than the present one for

equalising the duty, seeing that a large portion of the colonial coffee imported into this country was afterwards exported to other countries, and had to compete with the coffee of other nations in the markets of the world. But it appeared to him that the effect of this differential duty in favour of colonial coffee was this, that it kept out of consumption the high-flavoured foreign coffees. The consequence was, that they were obliged to mix chicory with the inferior sorts of Ceylon, in order to make the consumer buy them at all, and in that way they were forcing an inferior coffee upon the consumer, to the injury of their colonial coffee trade, and also to the injury of the public revenue. Therefore, the remedy that he respectfully suggested to the right hon. Gentleman the Chancellor of the Exchequer for the evils complained of, was to do away with this protection which colonial coffee had as against foreign coffee, which ought not to have been allowed to remain in the tariff in 1846, and which ought to be got rid of as soon as possible, especially that in those days they took to themselves the character that they had the strongest confidence in the principles of free trade. And, therefore, if they had this confidence in free trade, they ought to do with coffee as they did with sugar; and also in justice to the British farmer, if his corn was to be brought into competition with the corn of the world, they should give him the advantage of buying his coffee in the cheapest market, without any protection.

SIR J. TYRELL said, that for the last two years he had been a grower of chicory upon a small scale, and as an agriculturist he had no hesitation in saying that at the present moment it was the most remunerative crop that the agriculturist could turn his attention to. The cultivation of the article led to the employment of a large amount of labour, and it also employed a great many hands in its preparation for the market, very nice operations and some skill being required for that purpose. He was very happy to agree with the right hon. Gentleman the Chancellor of the Exchequer in the opinion that it was undesirable to place any excise duty upon the growth of chicory. Some attempts had been made to create a prejudice in the public mind against chicory. He did not think that chicory deserved such treatment, for it was very generally supposed to possess the real Mocha flavour. [*A laugh.*] Hon. Members might laugh, and he did

not grudge them any amount of amusement which they might derive from that information. With respect to the effect of chicory upon price, he believed that by mixing it with coffee, a cheaper and better article was obtained by the poor people, than if they purchased inferior kinds of coffee without chicory. He had at present some chicory growing, which was looking remarkably well, and he indulged the hope that the right hon. the Chancellor of the Exchequer would adhere to his resolution, and not trouble him with the visits of any exciseman.

MR. C. ANSTEY, in reply, said, that chicory was not the only article used in the adulteration of coffee of which he complained. There were various other articles, such as sand, mahogany filings, rope-yarns, old biscuits, raddell, acorns, vegetable rubbish, and other things.

The House divided:—Ayes 60; Noes 205: Majority 145.

SUNDAY LABOUR IN THE POST OFFICE.

MR. LOCKE being called upon by Mr. Speaker to proceed with his Motion, upon the subject of Sunday labour in the Post Office Department, and several Members objecting, on account of the lateness of the hour, and Mr. Forbes Mackenzie rising in his place to speak, and objection having been made to his proceeding.

Motion made, and Question put, "That Mr. Mackenzie do now speak."

MR. SPEAKER said, he need not explain to the House anything with reference to the point which had just been raised with regard to the presentation of petitions. According to the rules of the House, no debate could arise on the presentation of them. When the hon. Baronet the Member for Droitwich rose to speak on that subject, he took care that the question with reference to the petition was put, before the hon. Baronet spoke. There could not be a speech on that question, as the rules of the House precluded speaking upon it. The only interruption of the hon. Member for Honiton consisted of those appeals which he (Mr. Speaker) had allowed to be made to him. He considered that hon. Member to be in possession of the House. If the House thought otherwise, he must bow to their decision; and if any hon. Member thought the debate should not proceed further, it would be quite competent to him to move that the debate be now adjourned.

MR. A. B. HOPE thought it very hard

that the hon. Member for Honiton should wish to proceed at 11 o'clock.

MR. DISRAELI hoped the House would agree that the hon. Member for Honiton should bring on his Motion. The hon. Member did certainly say that he should not introduce it after half-past 10 or 11 o'clock; but they must all feel that when such appeals were made, there should not be a severe interpretation of the words used in reply. When the House returned from the division it was after 11 o'clock; but considering the large attendance of Members—and that the question was not of such a nature as to require a very long deliberation—and, even if it did involve the sitting as late as it did sometimes, it was most desirable that this question should be settled. He collected that it was the opinion of the House that the hon. Member for Honiton should proceed.

Motion put, and negatived.

MR. LOCKE then said: He felt that under ordinary circumstances an apology would have been due to the House for asking them to reconsider a question upon which they had so lately pronounced an opinion; but he believed that the question of the postal communication of this great country was so all-important as to demand from the House a much more careful consideration than it had yet undergone. He would not impute blame to any hon. Member for being absent from the recent debate on this subject, because it so happened that he was himself absent on that occasion. The simple fact was, that the House was taken by surprise on the occasion. The noble Member for Bath, who introduced the subject, had done so with such moderation as to entitle him to the respect of those who most differed from him as to his rigid rules for enforcing Sabbath observance, none of whom could for a moment doubt the sincerity of his feelings. As to the petitions on the subject, he would at once admit, that if the matter were to be tested by the comparative number of petitions, mere numbers were in favour of the noble Lord; but the House knew too well how easy it was to get up petitions on any subject, to permit such a test to weigh with them unsupported by better authority. The most active and energetic petition-collectors were not always the safest guides for legislation, and the noble Lord might yet find it even dangerous to put into operation the machinery of the conventicle for the purpose of effecting an over-strict observance of the

Sabbath. During the last Session of Parliament, he (Mr. Locke) had felt it to be his duty to go into the subject of railway communication in Scotland upon Sundays; and his connexion with that subject had afforded him some striking illustrations of the mischievous tendency of the species of agitation to which he here referred. As an exemplification of what he meant, he would read a short extract from one of the letters he had received at the time, which would thoroughly manifest the sort of spirit aroused by such agitation:—

"Although I am not personally acquainted with you, nor have ever seen you, but as I hear and read in the papers about you, and see the way you want to disturb our peaceful land, Scotland, my conscience compels me to write you against the cursed Bill you want to pass in Parliament for compelling railways to run on Sabbath, and to carry second and third class passengers. I will demand of you, and answer me in Scripture doctrine (if you are able) are you really thinking that you are greater than your Maker, who made the whole universe? Are you making a law of your own to set the holy law of God at defiance? Do you want to rob us of the day which God gave us to rest upon and to keep holy? Do you want to rob God of the worship that is due to Him on that day? Do you want us to become agents for the Devil, because you are one? Do you think that you are a God yourself? Do you think that you will rule over us like the Pope of Rome? Do you want to turn the kingdom of God into a kingdom of devils? It seems to me that you think all these. Oh, may God open your eyes and let you see your error, and make you wise (for indeed you don't appear to be wise enough when you take anything to do with the law of God). Don't you hear God crying from Heaven to you, saying, 'Oh, do not this abominable thing which I hate?' Now, what is the abominable thing that God says here? It is your violating his law. Do you think you are able to contend with God? You want to force people from God to serve Satan. You want to deprive them of their resting day. Art thou more just than God? You are crucifying the Saviour a second time. You want to rob him of his glory. Have you never read the book of the law of God? Knowest thou not that God worked six days Himself, and rested on the seventh day, and He commanded His creatures to do the same? Not man alone He commands thus, but also the beasts of the field that works for the man. He saw that they would need a day of rest, and He gave them a seventh portion of time to rest from all their earthly labours; and He said unto them, 'Remember the Sabbath day to keep it holy.' It is a day made for man; it is a day for the worshipping of God particularly; all worldly employments are to be laid aside that day. When the Sabbath command was given to the children of Israel, they were bound to keep it under penalty of death. Your doings vexes my soul greatly, for I entirely disapprove of your Bill. If you would send a Bill before Parliament for to stop all railways running on Sunday in Great

Britain, then I would not only be pleased at you, but would pray God for a blessing on your head; but, since you have acted quite the reverse, in trying to establish a carnal law against the spiritual law of God, my prayer will be for a curse on your head as long as you continue in your evil practices, and on every one else that is of the same mind as yourself."

He could assure the House that this was a sample of many such epistles which he had received during the last twelve months, and he mentioned it chiefly with a view to warn the noble Lord and his supporters against invoking the spirit of Puritanism in this country, which could only result, as it resulted before, in a violent reaction, accompanied with vices which none of them would desire to see renewed. He thought it also desirable that the country should know the penalty which public men had to pay who ventured to touch a subject like this; and he mentioned it with the further view of showing by what description of persons this active agitation was being carried on. He would now call the attention of the House to the resolution he proposed to submit. In the first place, fair credit had not been given to Her Majesty's Government for the efforts they had heretofore made for reducing Sunday labour in the Post Office. It was very true that the noble Lord in his recent address did not overlook their efforts, nor did he refuse his acknowledgments for those efforts; but the public seemed to have forgotten them, and it would be therefore his duty to bring them more prominently before the House. Firstly, as regarded the reduction of labour by limiting the money-order business of the Post Office. On that subject Mr. R. Hill, in his report on the table of the House, said—

"Still I was of opinion, that with whatever inconvenience the improvements might be attended, they would be accepted by the public if accompanied by another measure conferring an equivalent advantage—an opinion which, notwithstanding some complaints, has, on the whole, been justified by the result. Such a measure, as your Lordship will remember, was at that time under consideration, and had long been regarded as a *desideratum*, namely, the transmission of the 'forward' letters through London on the Sunday, with a view to their delivery on the Monday morning, a measure which I felt confident might be effected, not only without any addition to Sunday labour, but even, when taken in all its bearings, with a great reduction thereof. Even in the London office, on which alone the labour of such transmission would fall, I saw reason to believe that in the event the total amount of Sunday labour, so far from being increased, would be actually diminished by the improvement. I need not remind your Lordship how fully this anticipation has been confirmed by experience. With these

views, I prepared, under your Lordship's instructions, the minute of the 3rd of February, 1849, submitting the combined measures of closing the provincial offices throughout England and Wales on the Sunday, as a general rule, from 10 o'clock to 5; of restricting the Sunday deliveries in all cases to one, and, on the other hand, of providing for the transmission, on the Sunday, of the 'forward' letters through London, so as to be delivered on the Monday."

A summary of the whole report had been given in the *Quarterly Review* just published, and he would request the attention of the House to the statement:—

"On the 7th of January, 1849, the money-order Sunday business was finally suspended throughout England and Wales, thus suddenly relieving 450 provincial post-offices; on the 1st of April, 1849, the suspension of the money-order Sunday business was extended to Ireland and Scotland, thus relieving 234 additional offices; on the 28th of October, 1849, the provincial post-offices throughout England and Wales, were not only as a general rule closed on Sunday from 10 o'clock to 5, but their deliveries on that day were restricted to one. By these measures 508 provincial post-offices, and 4,000 dependent offices, were closed for about three additional hours. In 194 post-towns, 233 deliveries were discontinued, and 368 letter-carriers relieved of one hour and a half each of Sunday duty. On the 20th of December, 1849, in the suburbs of London, beyond the three-mile circle, the early Sunday delivery was transferred to a very late delivery on Saturday night, by which 191 persons were entirely relieved from Sunday duty; on the 13th of January, 1850, in the provincial post-offices throughout England and Wales further extensive relief was given—1st, by the continuance of a large number of Sunday mails; 2nd, by the disuse of money prepayments for all inland letters, by which restrictions, 576 provincial post-offices and about 4,000 dependent offices were closed on an average for four additional hours. The combined effect of these several measures has been to relieve every Sunday upwards of 6,000 persons, on an average, more than five hours and a half each. Other alterations, effecting a still further reduction of labour on Sunday, are in contemplation.

Now, these great reductions were in the act of being satisfactorily and silently made when the recent change was decided on; and this House, overlooking the great reduction of Sunday labour which had been effected, decided on a total suspension of all Sunday deliveries, in the vain hope that all labour would be dispensed with on that day. Now, although it might not admit of direct mathematical proof, he was strongly of opinion that no Sunday labour would be saved at all. It might be shifted from one class of *employés* to another, but he contended that there would be no saving in the aggregate amount of labour that was employed, or would be employed, for conducting the necessary communications of the country on that day. It was very true

that, once the letters or newspapers were in the post, they must lie there till Monday; but did the noble Lord not know that arrangements were being made in the country by which letters and newspapers would be conveyed by persons specially employed, and totally distinct from the Post Office? Already one railway company had set the example, and it would, he did not doubt, be extensively followed, of carrying newspapers on Saturday night to any station on their line, there to be delivered to any person making application for them on the Sunday. Already it was in contemplation in the great towns throughout the country to employ separate persons to deliver newspapers from the offices of the several newsvendors. He held in his hand an advertisement taken from the *Manchester Guardian*, in which a Mr. Heywood announced that he was prepared with

—“a staff of boys equal in number to the men employed by the Post Office, to deliver, before ten o'clock on every future Sunday morning, the whole of the orders the public, in any part of the borough, may require. This staff I shall cause to wear a particular badge, that the public may know them, in the expectation that every facility will be given to them in the delivery of their orders.”

Another advertiser says—

“I have been in business for many years. The shop which I now conduct has been carried on by myself and my father for above thirty years. In conjunction with a respectable bookselling and printing business, we have carried on an extensive newspaper agency, but during the whole of that time we have never sold a newspaper or as much as a sheet of post on a Sunday. As in the case of other respectable country newsmen, our Sunday papers were addressed by a London agent direct to the subscribers, and we visited them quarterly for the cash. Now, I must surrender this branch of my business, which I cannot afford, or commence Sunday trader; and I have been obliged, from the competition of others, to engage to-day three messengers to deliver on a Sunday morning the London papers to my subscribers. The other newspaper agents are doing the same thing, so we shall have now, on a Sunday morning, ten or twelve newsmen at the least running about the town delivering and hawking papers, while four letter-carriers have hitherto delivered all the letters and newspapers for the whole town, and in much less time. Another matter to be borne in mind is, that a new branch of active Sunday traffic is opened, as our walls are placarded with the addresses of competing agents, announcing the delivery of papers on a Sunday morning; and there is scarcely an inn or beerhouse in the town but has been canvassed to take a Sunday paper under this new puritanical regime.”

At Liverpool, Messrs. Wilmer and Smith, news agents, had announced to the public of Liverpool that—

“In consequence of the closing of the Post Office on Sundays, they purposed having the whole

of their extensive supply of London Saturday and weekly newspapers by train from London, and would deliver them by their own messengers at an early hour on Sunday morning. Newspapers will be delivered by them at Aigburth, Allerton, Wavertree, Woolton, Gateacre, Roby, Huyton, Bootle, Waterloo, Walton, West Derby, &c.”

It was stated that, besides foot-runners—

“they are to have sixty mounted messengers, and, considering the extent of their business, and the wide range of town and country they propose to supply, such a staff was by no means too large. The places they enumerate at the end of their advertisements are at an average distance of fully four miles from the Liverpool Exchange.”

Here was exhibited the multiplication of labour by rival establishments in lieu of the single operation of transmission through the Post Office. And as regarded the number of private messengers, who was to enumerate them? Who was to predict the amount of labourers employed in every direction running to and from railway stations, and other depôts that would take the place of the Post Office? He had said that it was difficult to adduce direct mathematical proof of the number of persons to be so employed; but could any one entertain a doubt that the divisions of labour caused by the recent alteration would require a far larger number of persons to be employed than would have been required in the ordinary course by the Post Office? But this was not all. Notwithstanding this additional amount of labour, you would have left these facilities open only to the rich; the poor could not afford to send special messengers, nor parcels by railway trains. A merchant would use the electric telegraph or the train, but the poor man must wait, often in deep suspense and anxiety, till the next day, when he might learn, possibly, that the opportunity of affording consolation to a dying friend had been cruelly taken from him. He would read to the House one or two extracts from communications by most competent witnesses as to the practical working of the new plan. One gentleman wrote thus:—

“I happen to be the medical superintendent of a large institution receiving patients from all parts of England. The inmates, being insane, are peculiarly prone to sudden aggravations of illness, in which death is often the result. Should the event occur after twelve o'clock on Saturday, under the existing arrangement it will be scarcely possible, although this town is well circumstanced as to general deliveries, for the relatives to be apprised of the change before the following Tuesday; and then the reply, often of great importance as to future arrangements, cannot be received until the afternoon of the following day. Nor does the evil stop here. If there is any malady demanding

urgency of action, it is insanity. If the parties are agreed on the main question of confinement, they require to know whether he can be received; and, of course, the same delay again occurs before that information can be supplied. The public thus are vital sufferers, in different ways, by an interruption that militates both against their affections and their interests."

Another gentleman wrote:—

"I would just mention that the recent alterations have been of very little use to the postmen of the country districts round here. All postmen are obliged to bring in their letters on the Saturday evening; they must always sleep here on the same evening, and walk to their homes on the Sunday morning. They are obliged to come in again in the evening (Sunday), so that they may be ready at five o'clock on Monday morning for their letters. You will perceive then that by the present ridiculous arrangement the letters get rest on the Sunday, and not the postmen."

A third communication ran thus:—

"You will have already received numerous illustrations of the injury and cruel distress already inflicted by this most obnoxious and arbitrary arrest of the communication of the country, or I would have detailed you an instance in which a poor man passed into eternity without a relative to close his eyes, from the working of the new regulation."

Another case had been communicated to him. It often happened that in case of sickness in country places the persons who carried the letters were employed in carrying also medicine. A gentleman told him that last Sunday two of his patients who were expecting medicine could not obtain it in consequence of this new regulation of the Post Office. It certainly was a hardship that a poor man, who had been at work all the week, should be prevented from taking medicine on a Sunday. In consequence of the new regulation, a letter posted on the Saturday afternoon could not be delivered till Monday, even though its destination was but a few miles distant; and yet, during those twenty-four hours the mails would have travelled the whole length and breadth of the land. Even the Saturday's morning mails would only be available for 200 miles distance from London; and when it was recollected that Saturday was a general day for correspondence to and from London, the detention of the delivery beyond that distance must be of very considerable inconvenience. These commercial facilities ought not to be taken away on light grounds. The people of this country were not yet prepared to say that ships should not sail on Sunday, any more than they were prepared to permit crime to be perpetrated on that day without employing the police to detect it. So long as

vice and disease, hunger and thirst, were entailed upon men, the State was bound to provide the means, or accord the permission for others, to minister to the wants of our actual condition; and, since the spirit of evil was ever active, and seeing that without a protective force on Sundays we could not even worship in our churches in peace and security, do not let us take away from the people the facilities of communication by which the social evils of their condition were so materially alleviated. The noble Lord the Member for Bath insisted much on the right of the persons employed in the Post Office to have the Sabbath to themselves; but why, as had been well asked by the right hon. the Chancellor of the Exchequer, limit the enjoyment of that right to the Post Office servants? The right belonged to every man, public or private; and if the noble Lord's proposition was to rest for support on this ground, then he (Mr. Locke) must be permitted to say that the noble Lord had taken a narrow, a partial, and an indefensible mode of asserting it. Why was the resolution limited to the Post Office? Why did it not comprehend every public department and every public establishment? Why were domestic servants to be excluded from that rest which was said to be so essential to the servants of the Post Office? Should he tell the noble Lord why? It was because, if this right were asserted in its entirety, the whole country would at once see the extent of its mischief; and to be successful in establishing such a right, would be to overturn the whole framework of society. Rest! How were they to rest? What was rest? It was relaxation; family intercourse; innocent recreation; preparing the mind for good, religious, and moral impressions; purifying the heart by the contemplation of God's great works; stirring up in the mind those great precepts of Christian charity and duty on which man might meditate during his hours of toil. This was the rest which enabled him to return to his labour in a becoming spirit. It was the rest which humanised, which Christianised the heart. It made families happy, communities contented, and nations free and prosperous; and if to obtain these blessings it were necessary to employ some small amount of labour on Sunday, let every man contribute his mite for the common good; and if he understood the feelings of his countrymen rightly, he was satisfied that their contribution would not be refused.

Motion made, and Question proposed—

"That, whilst this House acknowledges with satisfaction the diminution in the amount of Sunday labour effected by the recent arrangements in the Post Office, it cannot but be sensible of the great public inconvenience which has arisen from the total cessation of any delivery or collection of letters on Sundays, and that an humble Address be therefore presented to Her Majesty, praying that She will be graciously pleased to cause an inquiry to be made, whether the amount of Sunday labour might not be reduced without completely putting an end to the collection and delivery of Letters, &c. on Sundays; and that, pending such inquiry, Her Majesty will be graciously pleased to give orders that the collection and delivery of Letters, &c. on Sundays shall be continued as heretofore."

MR. ROEBUCK seconded the Motion, and said that he did so because he had not yet had an opportunity of expressing any opinion with respect to the resolution which had been passed by that House. He took it, that those persons who had aided in passing that resolution, or who had induced others to pass it, had been actuated by one or two opinions: one opinion was, that this matter was a religious matter; and the other was, that it was one of policy and of convenience. When they came to discuss the question, both those opinions crossed each other; and, according as it happened to suit the purpose of the disputants, both canons were employed. But he should take the liberty to separate them, and to bring each of them clearly and definitely before the House; and he would then ask hon. Members who had supported the resolution, upon which of the two canons it was—or whether it was upon both—that they had determined to rest their opinions? He would at once directly and broadly assert that, as a religious question, the House of Commons had no right to deal with this question. He had been told by those who claimed to themselves the right of freedom of opinion on this subject, that the House of Commons had no right to thrust down the throat of any man any religious opinion whatever. He had himself declared that opinion. But who were they who now came forward to vindicate this resolution? The Dissenters of this country, they who, above all others, had ordered their representatives to come forward and assert that there should be no State Church. What did that mean? They who asserted that there should be perfect freedom of religious opinion. What did that mean? And yet those very persons signed petitions insisting upon its being the duty of that House to enforce what they called the observance of the Sabbath.

He denied utterly that the Sabbath was known to the Christian religion. ["Hear; hear!"] He stated it seriously—gravely. He was not talking for the purpose of exciting any other feeling than that of a conscientiously deep concern for the interests of this country, and he would again assert that, as far as religion was concerned, this was not a question within the competence of the House of Commons. Then, if it were not the Jewish Sabbath that they were endeavouring to enforce, it must be the Christian Sunday. And what was the Christian Sunday? Something far different from the Jewish Sabbath. None of the canons which had been directed against a breach of the Jewish Sabbath could be fairly and properly directed against any act performed on the Christian Sunday. If he wanted any authority on this point, he could go back to the great fathers of the Protestant Church, beginning with Luther, and going on to Calvin, and all the great Churchmen of subsequent years, every one of whom told us that the Christian Sunday was that which the Church called a feast day. It was not marked by any ascetical observances. It had nothing to do with a prior dispensation, or with the Biblical Sabbath. It was a day of rest—a day prepared and set apart for human observances, by human wisdom, for human purposes, and on human grounds. He did not pretend to argue with any other man respecting his religion. With that he had nothing to do. That was a question for him and the great Author of his being. He durst not interfere with it: and would that the same humility could persuade other men to abstain from forcing their opinions on their fellows! But he would now ask, in the second place, what were the political grounds for an observance of the Sunday? He came to that question with a full knowledge of the great benefits to mankind to be derived from a day of rest. There was no man who worked with anything like seriousness, or consecutiveness, either with the head or the hands, who must not be grateful to any institution which gave him at least one day in seven for rest. No man more thoroughly and entirely understood the value of such a day than one belonging to the profession to which he belonged. It was all well enough to talk of the labour of the hands, but the labour of the head required relaxation quite as much. If, therefore, by any means the system of society would give them relaxation every seventh day, those of his pro-

fession would be most thankful and grateful for such an arrangement. But, let them understand what that arrangement meant. Let them not run away with a mere word or a name. Let them ask, what was the thing itself? The thing was rest—rest both to the body and to the mind—and that to the largest number of the community to whom it could be afforded. How could it be afforded to the largest number? There were certain works of absolute necessity that could not be got rid of. But “necessity” was a narrow word. Then came that which mankind might consider not altogether a matter of need or necessity, but which, from habit, became almost such. The noble Lord the Member for Bath talked to them of the work of a postman of a Sunday; but how could the noble Lord distinguish the work of a man who walked two or three miles of a Sunday with a bag at his back to deliver a letter to a member of the community, from the labour of a servant who rose in the morning and prepared the Sunday breakfast table, or got ready the coach to take the humble servant of the Lord to church, there to offer up his orisons to God, and then ride back again, when that same servant would have some other offices to perform? How many were there who had signed these petitions who kept servants to perform these offices every Sunday in the year? How many, on the other hand, were there who had signed those petitions, and who confined themselves to the necessities of the Sabbath? What was the necessity of the Sabbath? A healthy man required a crust of bread and a glass of pure water for his food for the twelve hours. Was there any man who confined himself to that on a Sunday? He saw an hon. Gentleman opposite, who was at the head of a large brewing concern. He (Mr. Roebuck) wished to know whether those who malted on a Sunday were performing a work of necessity? But malting, he was told, required eight days, therefore Sunday must be employed, otherwise the community would not get good beer; and so Meux and Co. malted on a Sunday. Further than that, he wanted to know how many public-houses were open on Sunday in which they sold beer sold by Meux and Co.? [“Hear, hear!”] Had he not a right to illustrate an argument by a reference to works of necessity carried on on Sunday? He did not know that Meux and Co. were Members of that House. But he knew this, that

there was much hypocrisy—not in that House, but with many people out of it, in relation to what were called “works of necessity,” so long as they did not touch themselves; and which were regarded as important whenever they affected money relations. Now, what was a work of necessity? A poor man worked hard for six days in the week. His education was not like that of Members of the House of Commons, and the mere writing of a letter was to him a matter of trouble; what would occupy them half an hour, or perhaps five or ten minutes, it took him a long time to accomplish. He wrote his letter, however, on a Sunday, and to him it was a day of rest. A working man employed in the factory from morning to night might be, as was frequently the case, apart from the members of the family. He sat down on Sunday to pen a letter to his wife, or his father, or mother, or brother or sister, and, according to the old system, he despatched it by the Post Office; or, on the other hand, he received, from one or other of them, his Sunday letter. No such thing, however, could take place now. Again, the education of the poor man was to the country a matter of great importance. It was impossible a man could be all day at church, or engaged in religious observances. Now which was the better of the two, that he should have his Sunday newspaper, or go to the pothouse? They talked of an abridgment of human labour; but did the new system do away with human labour? The true principle was that which provided for the relaxation from labour of the greatest number; which, by combination and employing the great arts which had been discovered, facilitated intercourse, and made one town nearer to another than villages formerly were. Then, would they fight against the discoveries of their own time, and prevent the community from receiving the full advantage of the arts? The Post Office was a messenger, cheap, easy, inexpensive, and called for a small quantity of labour from the poor man. They prevented the poor man from having this cheap messenger, or his letter. A man living 100 miles from London, and his family living in it, was perhaps taken sick on a Saturday night; but he could not send to London by the post. A rich man similarly situated would send his servant by the railroad. The servant would be the rich man’s messenger; whereas by means of the post the railroad would carry perhaps 100,000 letters, and thus be a messenger

for the poor man. The rich man could send to London to solicit aid in his distress; the poor man was obliged to linger, utterly unable to communicate the fact of his sickness, because a Pharisaical House of Commons had determined otherwise. What had led to this proceeding? They were told the House had been taken by surprise. That word "surprise" was a happy one; for a large number of those who voted for the resolution of the noble Lord the Member for Bath, never believed it would be carried into execution. The only surprise that had been perpetrated was by the noble Lord at the head of the Government. He took this unexpected majority for a definite and positive opinion of the House, and so put the resolution into practice, and in so doing he thought the noble Lord had done good service. Everybody knew how these matters were brought about. A clergyman or a minister went about among his people, and said, "Will you not sign a petition against postal labour?" and down went the names. The petition was sent up to be presented; but perhaps a counter petition came up also, and then one Member might be heard asking another what he would do in such circumstances, and the reply would be given, "It will not be carried, so I will vote for it." He had seen this question fought for twenty years in that House, and it was fought with a full belief that it would never be carried. It had been carried, and hundreds of thousands of the very people who signed the petitions now turned round, and said they never contemplated such a consequence. But let the House mark what they had done. A letter arriving at its destination on Sunday lay the whole of that day without being delivered, and did not reach its owner till Monday, though the railroad which brought the letter to its destination travelled on Sunday just as upon any other day: therefore the only persons freed from labour were the deliverers of the letters on the Sunday. Now he wished to draw the attention of the House to this simple question. By arrangement with the Post Office a few persons were able to do the duty of transmitting letters and newspapers on Sunday; but, wanting that arrangement, they led to the employment of 500 for 1 upon the Sunday. He asserted, without the possibility of contradiction, that so far from abridging labour on Sunday, they had multiplied it fivefold. They had said to society they would not permit the Post Office to carry a letter on Sunday,

but society would contend that they were not justified in interfering to prevent the transmission of a piece of paper, merely because it was folded in a particular way; and he believed there would not be wanting those who would deny the right of any Government to do them injury by detaining their letters. He maintained, then, that neither as a religious question, nor as a question affecting the observance of the Sabbath, had they any right to come to the conclusion that the Post Office should be closed on Sunday. It was religious bigotry to say so. It was as clear as the sun shining at noon-day, that, instead of abridging labour on the Sabbath, it would lead to a direct and positive increase. It would increase from day to day, and, if persisted in, they would so break up arrangements now existing as to render it difficult, hereafter, to go back to the old system. On the ground of religion they had nothing to stand upon, and as a matter of political expediency there never had been committed a grosser blunder.

LORD ASHLEY said, it was not his intention to enter into the length and breadth of this question. He looked upon it as a matter decided. ["Oh, oh!"] If the hon. Gentleman who interrupted him would hear the few words he had to say, he would be obliged to him. The House adopted the resolution which he had proposed, and on the advice of Her Majesty's Ministers Her Majesty gave orders for the closing of the post-offices on the Sabbath. He now stood there in the name of those he represented to demand a full, and fair, and sufficient trial. Let the House consider how the question stood. The resolution was moved on the 30th of May, and shortly after that the Minister of the Crown declared that Her Majesty intended to carry into effect the terms of that resolution. Within twenty days of the time when that answer was received, and of the order being issued for closing the post-offices, a proposition was made to rescind that resolution. Could any body say, that within those twenty days a full, fair, and sufficient trial had been given of the working of the measure? See the manner in which it had been brought suddenly into operation. See the manner in which the order was couched. And let the House also observe what passed in Parliament. A question was asked of one of the Ministers of the Crown, whether certain facilities would be given for carrying into effect the resolution. Not only was it answered

that no facility would be given for carrying the wishes of the House of Commons into effect, but a strong opinion was expressed by that Minister, that if petitions were got up by the country the House might be brought to reconsider its position. He held, therefore, that there had not been a full, and fair, and sufficient trial. The number of petitioners in favour of the resolution came to by the House was 700,000. The number of petitioners against the resolution, according to the last report, was only 3,509. The petitions praying the House not to rescind the resolution were ten to one compared with those expressing a contrary prayer. Now, he thought the House ought to require some very strong ground to justify them in reversing a decision of this nature; and he would ask, whether either of the hon. Members who had just spoken had adduced any facts to shake the decision to which the House had come? Where had been the proof of the inconvenience? A certain number of cases of inconvenience had been quoted, and no doubt some little inconvenience would arise, but nothing to counterbalance the great comfort and convenience which had arisen from carrying out the resolution. Where had been the deputations from Glasgow, Birmingham, and other towns, pointing out the great inconvenience that was said to have been caused by the resolution? But, on the contrary, deputations had waited upon the Government from these and other towns, praying them not to be parties to the rescinding of the recent measure. All the facts adduced by the hon. Member, if they proved anything, went to show that the Government ought to open the Post Office in the metropolis, for every evil they had quoted as caused by the resolution in the country, must exist in a tenfold degree in the metropolis. The hon. Gentleman had quoted a letter from the medical superintendent of a lunatic asylum in the country, who said, he had no power of communicating with the friends of patients who were suddenly seized with illness. But was not that the precise condition of all the lunatic asylums in the metropolis, which was the great concentration of all the lunatic asylums of the country? The system of closing the Post Office in London had been preserved for many years, and he wished to know what inconvenience had resulted from it? On the contrary, when, a few years ago, a proposition was made

to open the Post Office in London on Sunday, it excited so strong a feeling and sensation as to make it impossible for the Post Office to advance one step towards that design. The hon. Gentleman said the House knew in what way petitions in favour of the resolution had been got up. But did the hon. Gentleman, or could the House, suppose that such a petition; for example, as he had presented from Glasgow, had been signed by persons who did not know what they were about? That petition was signed by 41 out of the 50 members of the town-council of Glasgow; it was signed by 9 out of the 11 bankers of that city; by 22 physicians and surgeons; by 68 procurators and brokers; and of the merchants, commercial men, and capitalists of Glasgow, not less than 500 signed the petition. And this petition was a fair sample of many that had been addressed to the House. Nearly 200 of the bankers and merchants of Liverpool had signed a similar petition; and a great number of persons of the same station in Birmingham. It could not be said that these petitions were signed by parties who were ignorant of what they were doing, for many of these petitioners were commercial men, who well knew the moral and social effects of such a regulation. The resolution had been in force for three or four Sundays; and where were the converts from Birmingham, Glasgow, Liverpool, and Manchester, who wished to have it rescinded? Why, where hon. Gentlemen opposite could find one of these converts, he (Lord Ashley) would undertake to find twenty persons who were more than ever confirmed in their opinions. He was not prepared to go into this question now. It had been fully argued when the House agreed upon the Address to Her Majesty, and when two points were established: first, that they had in their favour the example of the metropolis, with its 2,000,000 of individuals, and where no mischief had occurred from the closing of the Post Office; and, secondly, they had the great and just claim of having carried the resolution. Her Majesty, upon the advice of Her Ministers, had accepted the resolution; and he did demand, in the name of those whom he represented, its full, perfect, and sufficient trial. The hon. and learned Member for Sheffield had warned him against encouraging Punitanism. Now, although he (Lord Ashley) had maintained this resolution on the ground of a religious sanction, yet it

would be in the recollection of the House that he had mainly put it on the ground that it was an act of justice to the over-worked and underpaid men employed in the Post Office. Upon that ground he rested the case now; and when the hon. Gentleman the Member for Honiton quoted a letter in which he had been denounced for the notice of Motion which he had given, he (Lord Ashley) would tell the hon. Member that he also had received letters quite as terrible in their denunciations, and far more personal in their revilings, and which held out a dismal prospect to himself and the country if he continued to uphold the resolution. He should not have alluded to these letters, because they had produced no impression upon his mind, only they showed that the strength of feeling upon this subject was not confined to one class. The Crown had issued its order in conformity with the address of the House; and the House, he thought, were bound, out of respect to the petitioners, to the dignity of the Crown, and to their own consistency, to give that measure a full, perfect, and sufficient trial.

MR. AGLIONBY: The noble Lord has asked whether the experiment had had a sufficient trial? He thought it had been already tried too long, and was very sorry it had ever been tried at all. He believed the House had been quite taken by surprise when they had passed the resolution they were now called upon to rescind; and although he agreed with the hon. and learned Member for Sheffield that many Members had voted in the majority under the belief that the question would not be carried, yet he believed also that many Members had gone away under the belief that a measure calculated to create so much dissatisfaction would never pass. He maintained that the question was not decided, and he hoped the House would reverse the resolution they had arrived at. If the knot were tied, the country would very soon cut it. He firmly believed that no measure could tend so much to the desecration of the Sabbath as that introduced by the noble Lord. [*Cries of "Divide!"*] He could not understand how hon. Members who wished to have legislative religion, and to thrust their own opinions down the throats of others, would not allow a man five minutes to declare his sentiments when they were antagonistic to their own. In the country towns where mechanics' institutes existed, the people went there on Sundays to read the papers.

These being now withdrawn from them, they had no longer an inducement to attend them for the purpose of reading, and would go instead to the public-house. They were thus sowing the seeds of vice in all the country towns. He hoped the House would express their opinion on the endeavour to foist religion—the term was used in a very false sense—on the people by rescinding their vote.

SIR R. H. INGLIS thought that a Minister of the Crown ought to have addressed the House instead of himself, because the question was one in which the honour of their Royal Mistress was concerned. It had happened repeatedly that the Ministry of the day had asked the House to rescind resolutions for an Address to the Throne before the sanction of the Crown had been given to them. That course was open to Ministers upon the present occasion. But when, in answer to the Address of that House, the consent of the Crown had been given, it was for the Government to defend the course which they had recommended their Royal Mistress to adopt. The petitions presented in favour of the regulation before it was adopted, were signed by about 700,000 persons. But the petitions presented at a later period of the Session, and since this great boon had been granted to the country, were such as few of those hon. Members who supported the hon. Member for Honiton could read without painful regret if they could not comply with their prayers. Did the House know how the clerks and others employed in the post-offices in the country enjoyed and used their first Sabbath after this concession? He had it from a clergyman of Bristol, that between 40 and 50 of them assembled at his church to render thanks to God for the boon which, in His providence, they had received. In Manchester 65 attended at the church of the Rev. Canon Stowell. At Liverpool 75 walked to church, four abreast. Whatever objection existed to the cessation of labour in the country offices, must long have existed in London. He would only further detain the House by reading the following passage from the evidence of Lord Overstone, who, when Mr. Jones Loyd, gave this testimony on the 1st of June, 1838, before the Select Committee on the Post Office:—

“With reference to the receiving and delivering of letters on Sunday, I think the importance to the community of a total cessation from ordinary pursuits on the Sunday is so inestimable that I would make considerable sacrifices, even

of acknowledged public convenience, to retain so great a moral good to the community."

LORD J. RUSSELL said, that his hon. Friend the Member for the University of Oxford had appealed so directly to the Government, that he could not help explaining the position in which they stood. The hon. Baronet would not deny that the proposition, as originally made, did not meet with their support; but he seemed to forget the circumstance that it was not in their power to withhold from their Sovereign an address of this description. The House having agreed to an Address, directed that it be carried to Her Majesty, by such Members of the House as were Privy Councillors, and he did not think the Government would be justified in saying, "We will withhold that Address, and although you have voted it, and directed it to be presented to Her Majesty, we will take care that it shall never reach Her Majesty." That was the peculiar distinction from a simple resolution of the House, which remained on the journals, and might be erased or rescinded the next day. Having accordingly presented that Address to Her Majesty, the Government were bound to give some advice respecting it; and he owned it appeared to him—and on consultation with his colleagues they were of the same opinion—that the only course they could pursue was to advise Her Majesty to comply with the request. At the same time he did not disguise from his Sovereign, any more than his right hon. Friend the Chancellor of the Exchequer disguised from the House, that the vote was not in accordance with the opinions of Her Majesty's Ministers. He would fairly say, he could have wished the question had not come on so soon again for consideration. However, it was brought before him, and he was bound to give his opinion and his vote. He owned he did not think the question similar to that of the ordinary practice of the London Post Office being shut up, nor did he think, with his noble Friend the Member for Bath, that it could be decided entirely by reference to the case of bankers and persons in easy circumstances, who might have signed petitions. There was this peculiarity which separated questions with regard to the Post Office from those relating to any other Sunday labour, namely, that the labour in the Post Office was not all performed in one day, but that the transmission of a letter required labour on two different days; if a letter was sent from London to Glas-

gow, part of the labour was performed in London, part on the road, and part in Glasgow. The consequence was, that if you shut up the Post Office in London on the Sunday, there was one day in the week which was a day of rest in the London Post Office; there were other days in which there was less labour performed in the provincial post-offices; but if you decided that in every part of the country the post-offices should be closed on the Sunday in the same way, it was evident that there was more than one day in seven during which letters must be detained. A letter might go from London on Saturday evening; it would not be delivered, or known of, till Monday morning. The case was not similar, then, to those questions which we had with regard to Sunday labour. As to the consequences of such a regulation as that now in force, in compliance with the Address of the House, he did not consider that the commercial correspondence was the chief matter to be considered. He thought, if it was merely that, it would be quite right that commercial correspondence should cease upon the Sunday. That the persons at Manchester or Glasgow who were engaged in commercial affairs, should so far, as regarded those affairs, not carry them on on Sunday; and if the commercial men of those great towns were generally of one mind upon the subject, there was nothing that should prevent its being so. But it was a very different question with those who had family and domestic concerns, involving the wellbeing, the illness, perhaps the imminent danger of a near relation. He owned he could not get over this circumstance: here was a public department which was charged with the business of carrying the letters, and armed with the powers of the State to prevent other persons carrying them, which took upon itself to be charged exclusively with this duty, which conveyed a letter on the Saturday evening from London, informing a daughter that her father was so dangerously ill that unless she set out immediately she might never see him again or receive his blessing, and that that letter arriving in a provincial town early on the Sunday morning was there detained twenty-four hours in the post-office, the daughter perhaps knowing of the father's illness, and suffering all the agonies of protracted anxiety during those twenty-four hours. There was the case of the Duchess of Sutherland, whose father was dying at Castle Howard: it was generally thought a

very barbarous thing that she was not permitted to enter the railway carriage to arrive in time to see her father before his death. The circumstance attracted great attention, owing to the rank of the two parties concerned; but that circumstance, which shocked a great many people—preventing a daughter from seeing her dying parent—we might have repeated every Sunday. There were poor families—families that could pay 1d. for a letter, but could not send a telegraphic message or a parcel by the railway, and this might be occurring in fifty, or a hundred, or three hundred instances every time we detained the letters. He owned he thought if the House were to divide upon this Motion, it would be desirable that it should be taken in what he thought was the sense and intention of the Motion, namely, that there should be an inquiry whether we could not confine the delivery of the letters on Sunday to such a short period of time as to enable the clerks in the post-offices of the various towns to have sufficient times for attendance on divine service, and to enjoy some rest and recreation. He thought that was far from impossible, and that seeing how great changes the Post Office had made since last autumn, they might arrange and complete measures for this purpose. But if that was the case, he should think it better that the last words of the Motion should not stand as at present, as to the former rule again obtaining, pending the inquiry; he thought that would be inexpedient, and that it would be better to continue the present regulations till the inquiry, which might be a short one, should be completed. He hoped the hon. Member for Honiton would consent to that. He (Lord J. Russell) regretted much to have to go against what he believed to be the conscientious and religious feeling of a respectable class of the community; but he felt bound to consider, he would not say the commercial persons, but the domestic pain which the measure might inflict.

Mr. MUNTZ said, that as he had been one of those who had assisted in passing the resolution now complained of, he trusted that, notwithstanding the lateness of the hour, the House would allow him to state the grounds upon which he had supported that resolution, and the reason why he could not support the Motion of the hon. Member for Honiton, in its present form. He had no objection to inquiry; on the contrary, he held that the less a subject would bear inquiry the more it ought to

be inquired into; and if it was sound in principle, inquiry could do no harm. He had supported the resolution not altogether upon religious grounds—he was not by any means straitlaced, and did not pretend to be any better than his neighbours; but he trusted that he had that proper sense of religion which enabled him to act uprightly and honestly towards his fellow men. He had supported the resolution from the large number of petitions that he and others had presented in its favour, from his own long experience, and also from a large meeting held in Birmingham, where ten to one were in favour of it, and because he was decidedly of opinion that a proper regard for the Sabbath was most important to the welfare of the working men, and he considered it wrong to make ten thousand men work in the Post Office on a Sunday, unless it was really necessary for the good of society. He objected to that part of the Motion before the House which proposed to rescind the former resolution during the inquiry, because he considered that it had not had a fair trial, and also because from the many communications which he had received from the country in its favour, and the entire absence of any complaints against it, that the country generally approved of it. As far as his experience went, he must say that he could assure the House, that during the last three weeks he had not sustained the slightest inconvenience from the new regulations; in addition to which, he had enjoyed three quiet and pleasant Sundays for the first time in about thirty years. He was, however, ready to admit that what suited him might not suit all, and therefore he would support an inquiry, and if upon that inquiry it was found for the advantage of society that the resolution should be rescinded, he would be the first to vote for so doing. It had, however, now crept out what was the real ground of complaint; it was not because the system was really inconvenient, but because the philosophers and utilitarians thought that the saints had stolen a march upon them: with this he had nothing to do, his only care was if it were good for the population generally; and though within the last few days he had heard of some individual complaints, in no one instance did the parties say that they had been inconvenienced, but they said everybody complained. [*Laughter.*] Hon. Members might laugh; but if every complainant was free from injury, and only believed that others were inconvenienced, there really

was no ground to complain at all. He had before stated that he had felt no difficulty; and though it was possible that others might, it seemed strange to him, considering the extent of his business, and the number of letters which he received and wrote, that he should have escaped so entirely. He had seen many anonymous letters in the papers complaining of the new plan, but he always believed that nine out of ten of such letters were written either by the editors of the papers, or by some of their servants, having had good reason for knowing that such was generally the case. At all events, anonymous letters showed that the writers were either ashamed or afraid of what they were doing. He had previously stated his intention to vote for inquiry; but as he believed that the new system had not had a fair trial, he would not vote for rescinding the resolution pending that inquiry.

MR. GLADSTONE begged to ask if the noble Lord at the head of the Government meant simply to omit the last clause of the resolution. [Lord J. RUSSELL: Yes, that only.] In that case he would suggest the alteration would not meet the reasonable objections to the resolution of the hon. Member for Honiton. It would, perhaps, be for the convenience of the House, and most likely to lead to an amicable settlement, which was not so very easy of attainment, as hon. Gentlemen, judging from the particular condition of the House at that particular hour, seemed to imagine, if the noble Lord would take a day or two to consider the precise form of the Motion to be submitted to the House. If that was not acceded to, the Motion was left open to most of the substantial objections against it in its original form, for the House was called on to affirm they were "sensible of the great public inconvenience which has arisen from the total cessation of any delivery or collection of letters on Sunday;" and he, for one, decidedly objected to come to any such vote. It was a serious matter to rescind a decision of the House, particularly in a sudden and speedy manner; but in this instance it would be more serious to do so on the ground of experience which they could not possibly have had. He was ready to admit that in their desire to give a boon to the Post Office servants, there must be a limit in public convenience; but the question involved here was one very much of degree, and the inconveniences to which the noble Lord alluded took place to a

smaller extent in towns where there was only one delivery a day instead of two. The House would feel there was something in the position the Crown was made to take. If it was objectionable to rescind a resolution of the House, how much more objectionable was it to take the course they were invited to take with respect to the authority of the Crown? When the Address was moved, the noble Lord might have advised the Crown to take an intermediate course, to make inquiry, and to proceed with caution; but he had not done so, and had advised the Crown to give full and absolute effect to the Address. Considering that 23rd June was the first day on which letters were stopped, he was not prepared on 10th July to note that by observation of the result he was convinced great public inconvenience arose from the cessation of the delivery of letters; nor did he think it was for the dignity of the Crown, after advising it to take a very decided step within three weeks to take a different course on a mere pretext of public inconvenience. They must balance the evils against the advantages of the step they had taken; and he trusted the House would recollect that if they valued their consistency and character and the relations of the House to the Crown, and if they wished to preserve to the Crown the dignity which belonged to it in the face of the country, that was not the time when they could with justice reopen the question.

MR. RICE wished to know if the hon. Member for Honiton assented to the Amendment of the resolution? [Mr. LOCKE bowed assent.] He would then support the resolution.

MR. A. B. HOPE said, he suggested, as a substitute for the Motion, that an humble Address be presented to Her Majesty, praying that She would be graciously pleased to cause an inquiry to be made whether the amount of Sunday labour in the Post Office might not be diminished without any serious inconvenience.

LORD J. RUSSELL said, that after what had been said by the right hon. Member for the University of Oxford, he thought it desirable that all the words not necessary should be left out; and he thought they should endeavour to come to some arrangement.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words

'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause an inquiry to be made, whether the amount of Sunday labour in the Post Office might not be reduced without completely putting an end to the collection and delivery of Letters, &c., on Sundays.'"

SIR T. D. ACLAND would support the Amendment, for he believed it to represent the feelings of the great majority of the people.

MR. HUME said, that the original Address upon the subject of Post Office labour had been agreed to in a House of 140 Members. As the House had been taken by surprise with regard to it, he entreated the noble Lord to take time, in order to ascertain whether the objects which he had in view could be accomplished. In his opinion, the House ought to decide upon the question in its original form, inasmuch as the noble Lord might make any inquiry he thought proper, without any Address from the House of Commons.

MR. CARDWELL thought the course proposed by the noble Lord would meet the sincere wishes of the majority of the people, and while it did homage to the pious feeling of the people, would tend to diminish those religious animosities which must arise if these discussions were prolonged. They might depend on it that if they carried such regulations beyond what the public convenience would tolerate, the result would be reaction.

MR. SCHOLEFIELD bore testimony to the strong feeling entertained amongst his constituents of the inconvenience caused by the recent regulations, and referred to the petition presented by him in an early part of the evening, signed by a very large number of the inhabitants of Birmingham.

LORD D. STUART regretted that the Address had been carried; but the resolution proposed an inquiry, and then called for an alteration before the inquiry had been made. He could not support such an absurdity.

MR. DISRAELI recommended the House not to be in too great a hurry to adopt the Amendment. It was impossible they could address Her Majesty to inquire as to Sunday labour being reduced in the Post Office, since it had altogether ceased. If, therefore, they accepted the Amendment, the House would stultify itself. The best course for the Government, in their present state of mind, to have taken, was rather to have agreed to an adjournment of the debate, than to propose an Amend-

ment which it was impossible for any Gentleman on reflection to agree to.

SIR G. GREY said, the hon. Gentleman had read only half the Amendment, and the absurdity which the hon. Gentleman charged upon it had no existence at all.

LORD J. MANNERS said, the hon. Member for Montrose could not complain of the House having been taken by surprise, as his noble Friend had given a month's notice before he proposed the resolution which was agreed to by the House.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 92; Noes 233: Majority 141.

Words added; Main Question, as amended, proposed.

MR. ROEBUCK begged to ask the noble Lord at the head of the Government whether the inquiry would be made without any further reference to the House, as Parliament might not be sitting many weeks longer?

LORD J. RUSSELL said, he considered that while the House by this resolution expressed an opinion that it would be desirable to limit the amount of labour on Sunday, yet it left the matter within the discretion of the Crown. He thought that the best resolution to which the House could come under existing circumstances. In answer to the question of the hon. and learned Member, he begged to say that the advisers of the Crown thought it quite competent to them to advise Her Majesty to make regulations for permitting the transmission and delivery of letters.

LORD ASHLEY wished to know whether Her Majesty's Ministers would act on the report of the Committee, without reference to Parliament?

LORD J. RUSSELL said, if Parliament were sitting, he certainly would state to it the result of the inquiry, and the consequent directions given by the Crown; but if it should not be sitting, he should think it perfectly competent to advise the Crown to issue directions, which, however, would be made public.

LORD ASHLEY said, then it was quite impossible for him to agree to the Motion. He said it with great regret, but it was impossible he could concur with it.

LORD J. RUSSELL said, the noble Lord himself had wished for and advised an inquiry.

LORD J. MANNERS said, it was true he had advised inquiry; but an inquiry having been instituted, it was but right Ministers should abide by the advice given to the Crown.

LORD R. GROSVENOR was reluctantly compelled to vote with the noble Lord the Member for Bath, after what had previously fallen from the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, a misapprehension had been entertained of what he had said. He had not said that any advice had been given by Government in order to defeat the Motion. The question put to him was, if he would do anything inconsistent with the prayer of the House? He replied, he would not; but if the country became convinced of the inconvenience of the vote, then measures might be taken to rescind it.

MR. P. H. HOWARD thought it was unjust that a small portion of the community should impose restrictions on the great body of the people. It was most unjust to those who were suffering from disease that a medical man should not be allowed to relieve suffering humanity. Painful instances had occurred of this benefit having been prevented by this cruel and tyrannical measure of visiting friends on their death-bed. He hoped the public would not be long suffered to remain under this infliction, but that an inquiry would take place as soon as possible. He thought these restrictions on the poor ought not to continue. He only defended the liberty of the subject in opposing the resolution of the hon. Member for Bath.

MR. F. MACKENZIE moved the adjournment of the debate.

MR. SPOONER seconded the Motion.

Motion made, and Question proposed, "That the debate be now adjourned."

LORD J. RUSSELL said, if the debate was adjourned they would have to raise the question at a future time.

MR. PLUMPTRE did not consider the question was left in a satisfactory position.

LORD J. RUSSELL said, if Parliament was sitting at the time, he would have no objection to lay the report on the table, and then an Address might be moved to Her Majesty on the subject.

Motion, by leave, withdrawn.

Main Question, as amended, put.

The House divided:—Ayes 195; Noes 112: Majority 83.

VOL. CXII. [THIRD SERIES.]

List of the AYES.

Abdy, Sir T. N.	Grey, rt. hon. Sir G.
Adair, R. A. S.	Grey, R. W.
Aglionby, H. A.	Gwyn, H.
Anstey, T. C.	Hall, Sir B.
Arkwright, G.	Hamilton, Lord C.
Armstrong, Sir A.	Hanmer, Sir J.
Baines, rt. hon. M. T.	Hatchell, J.
Baring, H. B.	Hawes, B.
Baring, rt. hon. Sir F. T.	Hayter, rt. hon. W. G.
Bass, M. T.	Henage, G. H. W.
Bellew, R. M.	Henley, J. W.
Berkeley, hon. H. F.	Henry, A.
Berkeley, C. L. G.	Hervy, Lord A.
Birch, Sir T. B.	Heyworth, L.
Blackall, S. W.	Hildyard, R. C.
Blake, M. J.	Hill, Lord E.
Blewitt, R. J.	Hill, Lord M.
Bouverie, hon. E. P.	Hobhouse, T. B.
Boyle, hon. Col.	Hodges, T. L.
Brand, T.	Hodges, T. T.
Bremridge, R.	Holland, R.
Bright, J.	Hornby, J.
Brocklehurst, J.	Howard, Lord E.
Brotherton, J.	Howard, hon. C. W. G.
Brown, H.	Howard, hon. E. G. G.
Brown, W.	Howard, P. H.
Bunbury, E. H.	Hume, J.
Burroughes, H. N.	Jervis, Sir J.
Cabbell, B. B.	Johnstone, Sir J.
Cardwell, E.	Kershaw, J.
Carter, J. B.	Knight, F. W.
Cavendish, hon. C. C.	Labouchere, rt. hon. H.
Cavendish, W. G.	Lascelles, hon. W. S.
Clay, J.	Lemon, Sir C.
Clay, Sir W.	Lennard, T. B.
Clive, H. B.	Lewis, rt. hon. Sir T. F.
Cobden, R.	Lewis, G. C.
Cockburn, A. J. E.	Littleton, hon. E. R.
Coke, hon. E. K.	Locke, J.
Collins, W.	Lowther, hon. Col.
Cowper, hon. W. F.	Lowther, H.
Craig, Sir W. G.	McCullagh, W. T.
Crawford, W. S.	Mahon, The O'Gorman
Crowder, R. B.	Marshall, J. G.
Damer, hon. Col.	Marshall, W.
Devereux, J. T.	Martin, C. W.
D'Eyncourt, rt. hon. C. T.	Matheson, J.
Divett, E.	Matheson, Col.
Dodd, G.	Maule, rt. hon. F.
Douglas, Sir C. E.	Mitchell, T. A.
Dundas, Adm.	Moffatt, G.
Dundas, rt. hon. Sir D.	Molesworth, Sir W.
Ebrington, Visct.	Morgan, O.
Ellice, rt. hon. E.	Mostyn, hon. E. M. L.
Ellice, E.	Mulgrave, Earl of
Elliot, hon. J. E.	Norroys, Lord
Fagan, W.	Norroys, Sir D. J.
Ferguson, Col.	Nugent, Sir P.
Ferguson, Sir R. A.	O'Brien, J.
FitzPatrick, rt. hon. J. W.	O'Brien, Sir T.
Fitzwilliam, hon. G. W.	O'Connell, M.
Forester, hon. G. C. W.	O'Connell, M. J.
Forster, M.	Ogle, S. C. H.
Fortescue, C.	Osborne, R.
Fortescue, hon. J. W.	Packe, C. W.
Gaskell, J. M.	Paget, Lord G.
Gibson, rt. hon. T. M.	Palmerston, Visct.
Glyn, G. C.	Parker, J.
Granby, Marq. of.	Pearson, C.
Greene, J.	Pelham, hon. D. A.
Grenfell, C. W.	Pigott, F.

Pilkington, J.
 Price, Sir R.
 Repton, G. W. J.
 Ricardo, J. L.
 Rice, E. R.
 Rich, H.
 Roebuck, J. A.
 Romilly, Col.
 Russell, Lord J.
 Sadleir, J.
 Salwey, Col.
 Sanders, G.
 Scholefield, W.
 Scully, F.
 Seymour, Lord
 Shell, rt. hon. R. L.
 Shelburne, Earl of
 Slaney, R. A.
 Smyth, hon. G.
 Somers, J. P.
 Somerset, Capt.
 Somerville, rt. hon. Sir W.
 Spearnan, H. J.
 Stephenson, R.
 Stuart, Lord D.
 Sutton, J. H. M.
 Talbot, J. H.
 Tancred, H. W.

Thompson, Col.
 Thompson, G.
 Thornely, T.
 Tollenmache, hon. F. J.
 Towneley, J.
 Townley, R. G.
 Tynte, Col. C. J. K.
 Tyrrell, Sir J. T.
 Villiers, hon. C.
 Vivian, J. H.
 Wakley, T.
 Wall, C. B.
 Walmsley, Sir J.
 Walter, J.
 Watkins, Col. L.
 Wawn, J. T.
 Westhead, J. P. B.
 Wilcox, E. M.
 Williams, T. P.
 Wilson, J.
 Wilson, M.
 Wood, rt. hon. Sir C.
 Worcester, Marq. of
 Wyvill, M.

TELLERS.
 Hope, A. B.
 Acland, Sir T.

List of the NOES.

Adderley, C. B.
 Alecock, T.
 Bagge, W.
 Baring, T.
 Bateson, T.
 Beresford, W.
 Blackstone, W. S.
 Booth, Sir R. G.
 Boyd, J.
 Bramston, T. W.
 Buller, Sir J. Y.
 Burghley, Lord
 Buxton, Sir E. N.
 Chatterton, Col.
 Chichester, Lord J. L.
 Childers, J. W.
 Colville, C. R.
 Compton, H. C.
 Conolly, T.
 Cowan, C.
 Dickson, S.
 Disraeli, B.
 Dod, J. W.
 Duncan, G.
 Duncombe, hon. A.
 Duncombe, hon. O.
 Dundas, G.
 Du Pre, C. G.
 East, Sir J. B.
 Edwards, H.
 Egerton, Sir P.
 Evans, W.
 Evelyn, W. J.
 Farnham, E. B.
 Farrer, J.
 Fellowes, E.
 Floyer, J.
 Forbes, W.
 Fox, S. W. L.
 Frewen, C. H.
 Galway, Visct.
 Gladstone, rt. hon. W. E.

Goddard, A. L.
 Gooch, E. S.
 Greene, T.
 Grogan, E.
 Guernsey, Lord
 Halsey, T. P.
 Hamilton, G. A.
 Harcastle, J. A.
 Hastie, A.
 Hastie, A.
 Heald, J.
 Hildyard, T. B. T.
 Hood, Sir A.
 Hotham, Lord
 Inglis, Sir R. H.
 Jermyn, Earl
 Jones, Capt.
 Knox, Col.
 Lascelles, hon. E.
 Leigh, G. C.
 Lewisham, Visct.
 Lockhart, W.
 Long, W.
 Mackenzie, W. F.
 McGregor, J.
 McTaggart, Sir J.
 Manners, Lord J.
 Martin, S.
 Masterman, J.
 Miles, P. W. S.
 Miles, W.
 Milner, W. M. E.
 Milnes, R. M.
 Moody, C. A.
 Mundy, W.
 Muntz, G. F.
 Newdegate, C. N.
 Newry and Morne, Visc.
 Noel, hon. G. J.
 Pakington, Sir J.
 Palmer, R.
 Perfect, R.

Plowden, W. H. C.
 Portal, M.
 Pusey, P.
 Plumpere, J. P.
 Read, Col.
 Richards, R.
 Robartes, T. J. A.
 Scott, hon. F.
 Seymer, H. K.
 Sibthorp, Col.
 Simeon, J.
 Smith, M. T.
 Smyth, J. G.
 Sotherton, T. H. S.
 Spooner, R.
 Stafford, A.

Stanford, J. F.
 Stanley, E.
 Stuart, H.
 Thompson, Mr. Ald.
 Tollenmache, J.
 Trollope, Sir J.
 Verner, Sir H.
 Vyse, R. H. R. H.
 Welby, G. E.
 Williams, J.
 Wortley, rt. hon. J. S.
 Wyld, J.

TELLERS.

Ashley, Lord
 Grosvenor, Lord R.

The House adjourned at a quarter before Three o'clock.

HOUSE OF COMMONS,

Wednesday, July 10, 1850.

MINUTES. | PUBLIC BILLS.—3^d Marriages.

MONUMENT TO SIR ROBERT PEEL.

LORD J. RUSSELL: Sir, I beg to give notice that on Friday next I shall move that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that a Monument be erected in the Collegiate Church of St. Peter's, Westminster, to the memory of Sir Robert Peel, with an inscription expressing the public sense of so great and irreparable a loss, and to assure Her Majesty that this House will make good any expenses attending the same. On the present occasion I cannot ask the House to agree to the Address, because it is necessary that the House should first go into Committee, and therefore it is that I give this notice.

MARRIAGES BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

MR. WALPOLE said, he had always felt and did still feel the greatest possible reluctance in taking a prominent and active part in the discussion of a measure of this description; but, entertaining the strongest conviction that if it were allowed to pass into a law it would be utterly subversive of the best interests of society, and tend to destroy the confidence and security, and the peace and happiness which now prevailed in our English homes, he could not refrain from adding his voice, to that of

others, in deprecation of a measure so faulty in principle and so fatal in its consequences as he firmly believed this to be. On former occasions the question had been regarded in two points of view: first, as a religious, and, second, as a social question. As a religious question, it was very ill suited to the arena of the House of Commons; but since they were dragged into this discussion against their will, he did not see how they could well avoid it. He had always thought, and he still thought, notwithstanding the admirable tone, temper, and ability with which it had been discussed, that if it were right to bring forward such a measure at all, it ought to have been introduced into the other House of Parliament rather than into this. In the House of Commons they had no means of solving the religious difficulties with which it was surrounded. In the House of Lords, at all events, it might have been referred to a Select Committee of theologians and divines; and thus before they were called upon to act, they might have known upon something like authority whether these marriages were or were not within the prohibition of the Levitical degrees. In the absence of that authority, and in the exercise of his own unassisted judgment, he knew of but one rule which ought to guide them; and that rule was, that on all occasions, where a doubt was entertained upon a practical point of religious duty, the safest course was the wisest and the best. He contended, then, that unless the strongest reason could now be shown for making such a change as that which was proposed, common prudence and common propriety would alike suggest that they should give the benefit of the doubt in favour of that side where no risk was run, instead of doing anything which might by possibility be a direct violation of the Divine law. With this remark he would willingly have left the religious part of the subject; but when it was last brought under discussion, they were boldly challenged by the hon. Member for the West Riding as having abandoned their religious objections; but as he (Mr. Walpole) had not abandoned them, and as he felt that this was perhaps the last occasion on which he should have an opportunity of speaking against the Bill, it would not perhaps altogether misbecome him if he stated shortly a few of the reasons by which he had satisfied his own mind that the religious objections were valid and well-founded. Let the House consider what appeared to be the principal grounds upon

which the prohibitions were originally made. He doubted much whether they were mere special grounds which were locally peculiar to the Jewish nation. He believed, if they examined the subject, it would be seen that these prohibitions were founded upon moral grounds, which were generally applicable to the whole of mankind. The object of the prohibitions, if he understood them aright, appeared to be this—to throw a guard round the sanctity and purity of domestic life, so that all occasions for criminal thought, and all temptation to criminal conduct among members residing in the same house, should be checked in the bud by the moral impossibility of gratifying them with impunity. There was one circumstance which had not been adverted to in the course of the debates upon this Bill, but which he owned had struck him with peculiar force. It was never to be forgotten, that all these prohibitions were prefaced by this general remark, “None of you shall approach to any that is near of kin to him.” Now, the word “kin” was translated in the Septuagint by the term *ὅμοιος*, signifying clearly that the restriction was meant to apply and extend to all who were members of the same household or family; to all, in fact, who were naturally living under the same roof. Bearing this in mind, there were several observations which would illustrate what he meant. The first observation he would make was this, that all those prohibitions were addressed to the male sex only; but since the laws relating to incest could not be effected by the sex of the parties, what was prohibited to the man must also be prohibited to the woman, when her case, in its surrounding circumstances, was equal and parallel to his. His second observation was, that if the marriage of two brothers with the same woman was condemned as an unclean thing, it must follow that the marriage of two sisters with the same man must equally fall within the like prohibition. This was exactly what Jewell said:—

“When God commands me that I shall not marry my brother's widow, he commands me also that I shall not marry my wife's sister, because between one man and two women and one woman and two men there is a like analogy.”

His third observation was, that the Levitical prohibition was not confined to cases of consanguinity, but they equally extended to cases of affinity. Thirteen, in all, were there enumerated; and out of those thirteen, no less than seven were of

kindred by marriage, while only six were of kindred by blood. His fourth observation was consequent on the third. For, if affinity was put on the same footing with consanguinity, it then followed that, even according to the Levitical law, the effect of marriage was to make man and wife so completely one, that the kindred of the husband became the kindred of the wife; and, *vice versâ*, the kindred of the wife became the kindred of the husband. Such a conclusion was completely in harmony with all that we knew of the Divine will respecting this subject. For the institution of marriage at the commencement of the world, ratified and restored to its former purity by our Saviour's injunction, appeared to have thrown round the marriage state so deep a mystery—to have created, as it were, such a perfect oneness in the marriage union, that they who contracted to live with each other according to the terms of the Divine appointment, must necessarily contract at the same time all the obligations, all the sympathies, and all the feelings which each of them owed to themselves and others in all the relations and intercourse of life. Assuming it, however, to be a matter of doubt, and nothing more, what was the course which ought to be pursued in order that this doubt might properly be solved? Why, surely on this as on other occasions where they were called upon to put an interpretation upon a written law, and the meaning of that law was in itself uncertain, they ought first to have recourse to contemporaneous exposition; and if that failed, they ought then to be governed by general usage and concurring consent. Taking that course, there was a wonderful uniformity of sentiment and decision. For six centuries the whole of Christendom had condemned these marriages as unlawful and incestuous. In the ninth, it was laid down by the Council of Orleans that a surviving brother should not ascend the bed of his deceased brother, or dare to ally himself to the sister of his deceased wife. In the tenth, the Church of Alexandria declared—"A man may not have his brother's wife, or his wife's sister." In the Eastern Church, the Canon of St. Basil was equally emphatic—"A man ought not to marry two sisters, nor a woman two brothers." In the Western Church the law, and the reason for it, were clear and explicit:—*Sicut mulier debet consanguineos proprii viri vitare, ita et vir consanguineas uxoris suæ, cum enim*

una caro sint, utrique parentela est illis communis. Taking our own country, they would find it laid down by a council held in London that no man should contract a marriage with a blood relation of his wife. Now, this custom was so universal, that it was invariably observed and never departed from until one of the worst of the Popes, Alexander VI., the infamous Borgia, granted a dispensation to the King of Portugal to enable him to marry his wife's sister, both of them being the daughters of the King of Spain. This was followed by the dispensation given to Henry VIII., to enable him to marry his brother's widow; and though similar dispensations have since been conceded, it is always to be remembered that prohibition was the rule, and relaxation the exception. Under these circumstances, it is clear, to say the least of it, that there was a serious doubt; and where there was a doubt, the wisest and safest course—indeed the only safe and the only wise one—was to abstain from sanctioning these unions, lest the Divine law should be violated and broken. He now came to the social question. The grounds upon which the proposed change had been advocated might be summed up under these three heads: first, that all marriages ought to be free, and that these prohibitions were an undue restraint upon religious liberty; secondly, that by allowing these marriages they gave to an orphan family a better protector than they would otherwise enjoy; and, thirdly, that so many of them had already been contracted, that the law in its present state could no longer be maintained, and that therefore they were bound to alter it. Now, when they talked of religious liberty, it would be well to ask what was meant by that phrase? Did they mean that higher kind of freedom into which man had been brought by the restraining influences of Christianity; or did they mean that lower kind of freedom which man possessed in his natural state, when he chose to make a law for himself, by which alone he consented to be governed? Did they mean that sober and rational feeling which upheld the law because it was the law; or did they mean that daring, proud, and rebellious spirit which would pluck the fruit from the forbidden tree, when there were thousands of others within their reach? His idea of the freedom which should be maintained with respect to marriage was, that it was that combination of

freedom and restraint which curbed the passions, whilst it enlarged the affections; which extended the range of our domestic feelings, while it threw a fence round our domestic habits; which checked desire by the impossibility of gratifying it; and which kept us pure by keeping us safe. If the plea of liberty should induce them to alter the marriage law in this respect, he wished to know on what principle and for what reason they would not be bound to alter the law in other respects as well as in this? If, under this plea, they said that a man was to be at liberty to marry his wife's sister, why not extend it to the more distant relationships—to the wife's niece, to the wife's aunt, and even to the wife's daughter? And then, if they gave this indulgence to the man, why not give the same latitude to the woman also? The answer was plain. They knew that if a law were proposed in this House, by means of which a man was to be enabled to marry his brother's wife, it would be generally resisted. But depend upon it if they once began, they must go on. Each prohibition was at present a fence to that which lay beyond it. Break down the first, and they would open a gap by means of which the second could be assailed. Once descend from the high position on which they stood, to go along the inclined plane of a lower morality, and they would not find any rest for themselves until they learned by sad experience that the force and impetus of a downward descent must be measured in morals, as it was in mechanics, by the fearful law of a constantly accelerated and accelerating velocity. This plea then, he contended, was not to be maintained. The next ground that was taken in support of these marriages was, that they would give an orphan family a better protector. But that was an argument with two edges. It cut both ways. If it favoured the alteration of the law, it equally favoured the maintenance of the law. For he believed there were twenty cases where a widower would prefer to see the aunt in the character of aunt, the guardian of his children, for one in which he would make her their stepmother by marrying her himself. Once change the law, and that could not be so; for there was an instinctive feeling of delicacy and propriety in the breast of a female which taught her that she must not remain under the same roof with a single man whom she might marry. Therefore, when this change was effected, the sister of a deceased wife would be forced to keep aloof from the widowed husband. She

could not reside with him on the same terms as she now might. She could not observe the same unrestrained and unsuspected confidence, and so, for the sake of a few exceptions, a father would lose, in numberless instances, that sisterly care in the management of his children which he now obtained, and ought to obtain, as the best of substitutes for a mother's care. But this was not all. He apprehended mischief would not be confined to the death of the wife. It would operate with tenfold more severity while the wife was living. If this law were changed, there would be at once a complete change in all our social and domestic habits. It would alter painfully the daily habits of our domestic intercourse. It would constrain the husband to keep a watch even upon the growth of his own brotherly feelings. It would force the unmarried sister to keep henceforth at a comparative distance; and it would expose the wife, from a fear of suspicion, to the partial surcease of a sister's affection. Such a change in our social intercourse would be very detrimental. The instances in which it might operate advantageously would few and rare. The mischief which it would occasion would be general and constant. With respect to the measure derived from the number of marriages which had taken place in violation of the law, he considered that to be the argument in support of the necessity for the last position which could fairly be taken up. They should be very careful of having a change in their legislation dictated to them on the score of parties violating the law because they did not choose to observe it. But was it really true that so many of these marriages had been contracted that the law in its present state could not be maintained? Before they attended to such a reason as this, they ought to take care to weigh well the evidence upon which it rested. Of forty-one witnesses who were examined before the Commission, ten were paid agents, fifteen were interested either by reason of themselves or their relatives having contracted those forbidden marriages; ten were members of the Church of England, as if to show that the Church of England was really very decided, when it certainly was not; only three were Dissenting ministers; and of the remaining, one was a foreign priest, who would find it hard to persuade them all that the social condition of England was inferior to that of the Continent; one was a Roman Catholic, who would not allow these marriages in his own church without

a dispensation; and one was the Lord Advocate, who candidly admitted that the feelings of his own country were decidedly opposed to them. Could it be said that this kind of evidence represented the general opinion of the country on the subject; or could it be said to be favourable to the change? The case had been analysed by his right hon. Friend the Member for the University of Oxford; and what was the result of that analysis. Out of 1,568 cases which the Commission had reported, 1,400 were from the middle classes, 105 from the upper ranks, and not 50 from what were called the lower orders, and yet it was called a poor man's question. If ever there was a measure to benefit the rich and the interested few, that measure was then before them. It was got up by the rich, and paid for by the rich, and the rich alone were the main promoters of it. Let them not say that this was a law which could not be kept—let them not alter it on such a plea as that. If those who combined to break the law were to be at liberty to come to Parliament and say, the law must be changed, for it cannot be kept, there was an end at once of all obligations, and the bonds which held society together were rent asunder. For these reasons he deprecated the change which was then proposed. There was no subject with reference to which they should deal so cautiously as the marriage law. The rule respecting it should be well defined; and, being well defined, it should not be altered except for reasons of the greatest urgency. There might be a doubt as to whether these marriages were, or were not, within the prohibition of the Levitical degrees. There might be a question with reference to the extent to which the practice of the early Christians had been recently dispensed with. But there could be no doubt, and there could be no question, that the institution of marriage by the Divine appointment, restored by our Saviour to its original purity, had made man and wife, by a wonderful mystery, so completely one, that, if there were sense and meaning in words, the relation, the duties, and the privileges, of the one became, by the force of the marriage union, the relation, the duties, and the privileges of the other. Adhere to that rule, and all was plain; but once depart from it, and no one could tell what a wrench it would give to the pure simplicity of those social habits, which formed, as it were, a second nature in the great bulk of the community. No one could say what a change it would

effect in all that frank and innocent familiarity which constitutes the charm of an English home; no one could foresee what an injury it would inflict on those whose feelings ought first to be consulted on such a subject as this, even on those who had none to represent them within those walls. He, therefore, implored them, as they valued the blessings of their social state, as they hoped to maintain, as they wished to preserve them—by every consideration that could touch their feelings and influence their judgment—by the voice of Christendom for fourteen centuries—by the wisdom which turned a religious doubt into a religious duty—by the watchfulness which was imposed on a husband's care—the security which was given to a confiding wife—by the continued attachment which an unmarried sister had a right to enjoy—by every thing, in short, that was holy and happy in their social interests, he begged them, at that, the eleventh, hour, to reject the Bill at once and for ever. He should move that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

COLONEL THOMPSON said, if ever an example was wanted of the slender and the microscopic, it was generally to be found in a theological argument. It was not his doing, if the French sarcasm, *Ami le théologien, vous raisonnez comme un théologien*, had passed into a proverb. The hon. and learned Gentleman, however, having insisted on introducing a theological controversy, he would say a few words in reply; for which he would excuse himself by the fact of his having come of a controversial family, or at all events one where he lived within the whiff and wind of controversial debate. The hon. and learned Gentleman relied upon the circumstance, that the term "near of kin" was rendered in the Septuagint by *ὁμοῖος*, "living in the same house." He (Colonel Thompson) had not been previously aware that the laws of this country were to be settled by the translations of the Septuagint; and he had not heard the hon. and learned Member at all suggest that the original whence that translation was taken prohibited the marriage of persons living in the same house. The simple facts of the case appeared to be—that, for the sake of peace, the Levitical statute prohibited a man from taking a second sister during the lifetime of the first

"to vex her, beside the other in her life, time;" by sensible implication authorising the taking her when the life of the first was ended. As to the hon. and learned Gentleman's proposition that a woman might not marry her husband's brother, the fact was precisely the other way, for by the Levitical law a widow was in certain cases entitled to call upon her deceased husband's brother to marry her; and if he refused she was authorised to inflict upon him the indignity of spitting in his face in the presence of the elders. And when this very case was brought before the Founder of Christianity in the exaggerated form of a woman who had married seven brothers in succession, that authority expressed no doubt of the legality of the supposed proceeding, but only replied there was misunderstanding on the subject of a future state. It was remarkable that in the whole of the debates connected with the subject, no reference had been made to the principle on which certain connexions had by the consent of mankind been prohibited under the title of incestuous. There was invariably one element, the preservation of the purity of tender years. Hence connexions were prohibited in the ascending and descending line, that the infant might not be exposed to temptation from its seniors of an elder generation; and connexions were prohibited between the children of the same parents, that infants might not corrupt one another through the domestic intimacy which necessarily existed. And so far did this go, that, as was observed by Montesquieu, in polygamic countries, from the times of the patriarchs till now, a man is permitted to marry the daughter of his father, but not the daughter of his mother; the explanation being, that under polygamic habits the households of different wives are kept as far apart as domiciles in different extremities of the location can effect, and certainly do not live under greater opportunities of familiarity than in the case of cousins in Europe. Now, the case of the wife's sister comes under neither of these heads. The parties are not infants, for they are both of marriageable age; and there is no undue influence of an elder generation over a younger, for they are of the same generation. It was highly important, that in the words of a dignitary of the Established Church (Archdeacon Hare) whose name ought to go down to posterity, we should "resist imaginary rules and imaginary rulers." If this was

not done, there was no saying where we might be landed. He had heard that an eminent prelate of the Anglican Church had been attempted to be troubled, because he had married again; evidently a perversion of the Christian statute, which directs that a bishop should be "the husband of one wife," intending that he should not be open to the suspicion of either polygamy or concubinage. He had not believed "the courageous monogamist," Dr. Primrose, had followers in the present day. The hon. and learned Member had diverged into discussions upon liberty, and obedience to the law. Had not the hon. and learned Member confounded disobedience to the law with the desire to alter the law; and was not the liberty now demanded, the liberty of repealing a bad law, and substituting a better? When masses of men were found ignoring a law, it was almost invariably a sign that the law wanted altering. There was no greater proof of a bad law, than that it could not be executed; in fact the natural end of a bad law was, that it was given up in consequence. And he trusted it would be so here.

Mr. D. McNEILL said, he thought it ought to be a matter for consideration by the House whether they would adopt this measure, when they were aware that it was opposed to the almost unanimous feeling of the people of Scotland. The opinion of the religious bodies in that country was decidedly against the adoption of this Bill. The *Confession of Faith* declared that marriages ought not to be within the degrees of consanguinity or affinity forbidden in the Word, nor could such incestuous marriages ever be made lawful by any law of man or consent of the parties. That article of the *Confession of Faith*, which had been ratified by the Parliament of this country, expressed the religious opinion of 19-20ths of the people of Scotland. The effect of the Bill now before the House was, that because in certain parts of this country a number of marriages, about 1,500 he believed, had taken place between men and the sisters of their deceased wives—because a strong desire existed among certain parties in England to have the present law altered, and because a diversity of opinion existed on the subject among members of the religious community in England, they sought to impose upon the people of Scotland, where no such ambiguity or doubt existed, an enactment which would declare that their interpretation of the word of God was not

a correct interpretation. For three centuries past the law of Scotland had been uniform on this subject, and all the great legal authorities of that country had concurred in the opinion that between affinity and consanguinity there was no distinction. He considered, then, that it would be an act of cruel injustice to force upon the people of Scotland this alteration of the law. He might be told that this measure would not compel the people to adopt such marriages, but merely declared them to be lawful. Upon that principle, they might declare all marriages within any degree of affinity to be lawful, for it might be urged in support of such a measure that by permitting such marriages they did not force people to contract them. He felt it his duty to enter his protest against this Bill. He would ask hon. Gentlemen whether, supposing that there had been a difference of opinion in Scotland on this question, and there had been a desire on the part of a portion of the Scotch people that such a measure should be adopted, while the opinion of the English people was unanimously opposed to it, they would have compelled the people of England to give way to the opinions of a portion of the people of Scotland? On these grounds, he would oppose the third reading of the Bill.

MR. J. S. WORTLEY said, as this question had already been very fully discussed, and as he had trespassed largely on former occasions upon the indulgence of the House, he would not now detain them at any length in replying to a few of the arguments which had been urged against the Bill. He would ask, whether it was intended by the opponents of the measure to leave things as they were? A commission, presided over by one of the most eminent Prelates of this kingdom, had declared that the present state of the law on this subject led to great and continually increasing evils, and operated most perniciously, by causing open disobedience to the law. No practical remedy for the disastrous state of things described in the report had, however, been proposed by any one of the opponents of the Bill, although those evils had been avowedly and confessedly produced by the enactment of that law of 1835, which he now sought partially to repeal. The question for the House to consider was, whether they would leave this increasing and accumulating evil without attempting to apply any remedy, or whether, by adopting this Bill, they would endeavour to prevent its fur-

ther progress. The hon. and learned Member for Midhurst had alluded to a part of this question which he (Mr. Wortley) always approached with the greatest reluctance. That hon. and learned Gentleman, referring to the religious part of the question, had admitted that there was considerable doubt on the subject. He (Mr. Wortley) contended, then, that the only safe course was, to avoid any legislative interference with a question about which so much doubt, in a religious point of view, existed. The safest course was, to leave the matter to the consciences of individuals, or, if they liked, to the consciences of bodies of men—of Churches. The Roman Catholic Church held that these marriages were not forbidden by the law of God; for if that Church had believed such marriages to be prohibited, its ministers would not have done what they had assumed the right to do—to grant dispensations to persons contracting such marriages. His hon. and learned Friend had contended that, in a social point of view, this measure would be attended with the most fatal consequences; that it would make a total change in society; that it would introduce jealousy into married life; and would prevent the enjoyment of that blessed and sacred intimacy which existed between the husband and his sisters-in-law. Before 1835, however, such marriages had been continually contracted in this country; they had been, and were, formed in the United States among the most moral classes of the people; and yet all testimony went to show that no such consequences had resulted from them as were anticipated by some hon. Gentlemen. He had been called upon, in the course of the discussion, to pay respect to the feelings of the people in Scotland on this question. He would feel the greatest regret if he thought that, in the course he was taking, he was in any degree justly open to the imputation of disregarding the feelings of the people of that country; and he must be allowed to doubt the statement of his hon. and learned Friend the Member for Argyllshire, that the people of Scotland were perfectly unanimous on this question. Meetings had recently been held in Scotland, which, although convened by what was called a paid agent, had been perfectly open; and at those meetings this subject had been discussed, and petitions had been adopted in favour of the Bill. He had presented petitions from large bodies of persons in Edinburgh, Glasgow, and ten other prin-

cipal towns of Scotland, in favour of the measure; and this fact was enough to show that the opinion of the people of that country was not unanimous on the subject. His hon. and learned Friend had alluded to the *Confession of Faith*. The article of that confession on this subject was distinct and plain, and the members of the Church of Scotland were bound by its canons. But the Dissenters of Scotland formed no inconsiderable portion of the population of that country; and what was their opinion? He admitted that even the greater portion of that body were opposed to this particular kind of marriage; but he held in his hand an elaborate letter from one of the most learned professors among the Dissenters of Scotland, who stated that, although he had himself no wish to see such marriages take place, he conceived that his opinion, and that of those who thought with him, ought not to bind the consciences of their fellow-countrymen who might entertain different views. He had also an extract from the *United Presbyterian Magazine*, which, he was told, represented 500 congregations in Scotland, in which it was stated that, as true Voluntaries, they could not seek, by means of an Act of Parliament, to force their interpretation of Scripture on this question upon the acceptance of others. For his own part, he could only say, that if the old law, which did not extend to Scotland, was restored, he would be perfectly content. They had been told, on a former occasion, when this subject was under discussion, that the Bill was regarded with the greatest aversion by the people of Ireland. Weeks and months had elapsed since that statement was made, but no proof had been afforded that the Irish people entertained the slightest aversion to the measure; and, with the exception of a few petitions from the North of Ireland, the Irish people had not petitioned Parliament at all on the subject. He hoped the House would give their assent to this Bill, which he firmly believed would have a most beneficial effect.

Mr. F. MAULE said, he must protest not only against the application of this Bill to Scotland, but against the general tendency of the measure itself to violate the best feelings of the people of this country. By adopting this Bill, Parliament would give direct encouragement to the people to infringe the law, for the Bill was intended to protect persons against the consequences of the infraction of an Act of

Parliament. The right hon. Gentleman the Member for Bute had told them this Bill was necessary to remedy a growing and increasing evil. What, then, was that evil? It was the infraction of a law as distinct and positive as any on the Statute-book. Every argument which had been used on that point would apply with equal force to the case of bigamy. He would venture to say that there were as many cases of bigamy in this country as there were marriages to which the present Bill would apply, and, therefore, it might be argued, that because bigamy was so frequently committed, Parliament ought to repeal the statute which made bigamy a crime. The remark would apply particularly to the poor, and to old soldiers who went abroad, and forgot that they had contracted marriage, and so married again. The best feelings of his (Mr. F. Maule's) countrymen were against this Bill. It was against the *Confession of Faith*; it would sanction a principle as to marriage which had never yet been in force there. As to there not being cases brought to trial, the voice of public opinion had disposed of any such cases, and the parties had been obliged to fly the country, or go and live where they were not known. Scotland was opposed to the measure, and he would therefore give it his opposition, as well as because he believed it to be contrary to the law of God.

Mr. C. ANSTEY did not see why, in deference to the refinements of some over-scrupulous consciences which appeared to abound, especially in the Church of Scotland, there was to be laid upon the whole realm a burden which the law of God, as he believed, did not impose. This was a question of common law, of common sense, and of common liberty. The House should disregard idle, and bigoted, and narrow prejudices. This Bill would impose no load upon conscience. Let it not be answered that that might be said of a Bill to authorise bigamy, which would not require any one to commit bigamy. The cases were different. Bigamy was clearly against the law of God, and was never lawful by our common law, as marriage with a deceased wife's sister was. The "affinity" in question in this case was a strictly canonical affinity, constituted not by virtue of the marriage, but of consummation, and the opponents of this measure ought to bring in a Bill to declare marriages illegal when contracted with the sister not only of a deceased wife, but of a concubine.

Question put, "That the word 'now' stand part of the Question."

The House divided :—Ayes 144 ; Noes 134 : Majority 10.

List of the AYES.

Abdy, Sir T. N.	Jolliffe, Sir W. G. H.
Adair, H. E.	Kershaw, J.
Aglionby, H. A.	King, hon. P. J. L.
Anstey, T. C.	Lennard, T. B.
Bagshaw, J.	Lewis, rt. hon. Sir T. F.
Baines, rt. hon. M. T.	Littleton, hon. E. R.
Baring, rt. hon. Sir F. T.	Locke, J.
Baring, T.	Loveden, P.
Barnard, E. G.	Mackinnon, W. A.
Barrington, Visct.	Mangles, R. D.
Bass, M. T.	Marshall, J. G.
Bellew, R. M.	Marshall, W.
Benbow, J.	Martin, C. W.
Berkeley, hon. H. F.	Masterman, J.
Birch, Sir T. B.	Matheson, Col.
Blewitt, R. J.	Milner, W. M. E.
Bright, J.	Milnes, R. M.
Brocklehurst, J.	Mitchell, T. A.
Brockman, E. D.	Molesworth, Sir W.
Brotherton, J.	Moody, C. A.
Brown, H.	Morris, D.
Brown, W.	Mostyn, hon. E. M. L.
Bruce, Lord E.	Muntz, G. F.
Bunbury, E. H.	Noel, hon. G. J.
Buxton, Sir E. N.	O'Brien, J.
Carter, J. B.	Osborne, R.
Chaplin, W. J.	Owen, Sir J.
Clay, J.	Paget, Lord G.
Colden, R.	Parker, J.
Cockburn, A. J. E.	Pechell, Sir G. B.
Coke, hon. E. K.	Pelham, hon. D. A.
Copeland, Ald.	Pendarves, E. W. W.
Crawford, W. S.	Pilkington, J.
Currie, R.	Price, Sir R.
Denison, E.	Rawdon, Col.
D'Eyncourt, rt. hon. C.	Repton, G. W. J.
Dodd, G.	Ricardo, J. L.
Ebrington, Visct.	Ricardo, O.
Ellis, J.	Rice, E. R.
Elliot, hon. J. E.	Rich, H.
Evans, W.	Robartes, T. J. A.
Ferguson, Sir R. A.	Romilly, Col.
Fitzwilliam, hon. G. W.	Romilly, Sir J.
Foley, J. H. H.	Rumbold, C. E.
Forster, M.	Salwey, Col.
Fortescue, hon. J. W.	Sanders, G.
Fox, W. J.	Scholefield, W.
Galway, Visct.	Sidney, Ald.
Greene, J.	Smith, J. A.
Grenfell, C. W.	Smith, M. T.
Grey, rt. hon. Sir G.	Smith, J. G.
Harris, R.	Smyth, J. G.
Hatchell, J.	Somers, J. P.
Hayter, rt. hon. W. G.	Somerset, Capt.
Headlam, T. E.	Spooner, R.
Heald, J.	Staunton, Sir G. T.
Heathcote, G. J.	Strickland, Sir G.
Heywood, J.	Stuart, Lord D.
Heyworth, L.	Stuart, Lord J.
Hobhouse, T. B.	Thompson, Col.
Howard, Lord E.	Thornely, T.
Howard, hon. C. W. G.	Tollemache, hon. F. J.
Hudson, G.	Tufnell, H.
Jackson, W.	Vivian, J. H.
Johnstone, Sir J.	Waddington, H. S.

Wakley, T.
Wall, C. B.
Walmesley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, J.

Wood, rt. hon. Sir C.
Worcester, Marq. of
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Wortley, J. S.
Hill, Lord M.

List of the NOES.

Adderley, C. B.	Hervoy, Lord A.
Arbuthnot, hon. H.	Hildyard, R. C.
Arkwright, G.	Hildyard, T. B. T.
Ashley, Lord	Hood, Sir A.
Bagot, hon. W.	Hope, A.
Bateson, T.	Hornby, J.
Beresford, W.	Hotham, Lord
Blackstone, W. S.	Hughes, W. B.
Booth, Sir R. G.	Inglis, Sir R. H.
Bouverie, hon. E. P.	Jones, Capt.
Bowles, Adm.	Keating, R.
Bramston, T. W.	Law, hon. C. E.
Brisco, M.	Lewisham, Visct.
Broadley, H.	Lindsay, hon. Col.
Buck, L. W.	Lockhart, W.
Buller, Sir J. Y.	Lowther, hon. Col.
Burghley, Lord	Lygon, hon. Gen.
Burrell, Sir C. M.	McNeill, D.
Cabell, B. B.	Manners, Lord C. S.
Chatterton, Col.	Manners, Lord J.
Christopher, R. A.	Matheson, J.
Clerk, rt. hon. Sir G.	Maule, rt. hon. F.
Clive, hon. R. H.	Meux, Sir H.
Clive, H. B.	Miles, P. W. S.
Cobbold, J. C.	Miles, W.
Cocks, T. S.	Monsell, W.
Cole, hon. H. A.	Moore, G. H.
Compton, H. C.	Morgan, O.
Conolly, T.	Morison, Sir W.
Corry, rt. hon. H. L.	Mullings, J. R.
Cubitt, W.	Mundy, W.
Davie, Sir H. R. F.	Naas, Lord
Dickson, S.	Neeld, J.
Drummond, H.	O'Brien, Sir T.
Duckworth, Sir J. T. B.	Oswald, A.
Duncan, G.	Packe, C. W.
Duncombe, hon. A.	Palmer, R.
Duncombe, hon. O.	Patten, J. W.
Dundas, G.	Pennant, hon. Col.
Dundas, rt. hon. Sir D.	Powden, W. H. C.
Du Pre, C. G.	Plumptre, J. P.
East, Sir J. B.	Pusey, P.
Edwards, H.	Raphael, A.
Egerton, W. T.	Reid, Col.
Emlyn, Visct.	Richards, R.
Estecourt, J. B. B.	Sadler, J.
Farnham, E. B.	Scott, hon. F.
Farrer, J.	Seymer, H. K.
Fellowes, E.	Sibthorp, Col.
Forbes, W.	Simeon, J.
Fuller, A. E.	Speelman, H. J.
Gladstone, rt. hon. W. E.	Stafford, A.
Gordon, Adm.	Stanley, E.
Goulburn, rt. hon. H.	Taylor, T. E.
Graham, rt. hon. Sir J.	Tenison, E. K.
Greene, T.	Thesiger, Sir F.
Gwyn, H.	Thornhill, G.
Hall, Sir B.	Townley, R. G.
Hamilton, G. A.	Trevor, hon. G. R.
Hastie, A.	Trollope, Sir J.
Heneage, G. H. W.	Turner, G. J.
Henley, J. W.	Verney, Sir H.

Villiers, hon. F. W. C. Willoughby, Sir H.
 Vivian, J. E. Wodehouse, E.
 Vyse, R. H. R. H. Wood, W. P.
 Walter, J.
 Wegg-Prosser, F. R. TELLERS.
 Welby, G. E. Mackenzie, W. F.
 Wellesley, Lord C. Walpole, S. H.

Main Question put, and agreed to.

Bill read 3^d.

MR. OSWALD proposed a clause providing that the Bill should not extend to Scotland.

MR. J. S. WORTLEY feared that it would be impossible to proceed with the Amendment that day, and did not desire to stand in the way of the other business on the Paper being disposed of; he hoped there would be no objection now to taking the Bill at an early sitting on Tuesday next.

MR. LAW would move the adjournment of the House if the hon. Member did not persevere in his Motion.

Clause brought up, and read 1^o.

Motion made, and Question put, "That the said Clause be now read a second time."

The House divided:—Ayes 130; Noes 137: Majority 7.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS.

Thursday, July 11, 1850.

MINUTES.] PUBLIC BILLS.—2^a Sheep and Cattle Contagious Disorders Prevention Continuance. Reported.—Turnpike Roads (Ireland); Larceny Summary Jurisdiction; Court of Chancery. 3^a Benefices in Plurality.

THE CHANCELLORSHIP.

LORD BROUGHAM had already expressed his approval of the course which had been taken by the Government in putting the Great Seal into Commission, and he must say that he had joined with their Lordships and with the Bar in stating his approval of the manner in which the Commission had been constituted. He should say more on this subject were it not for the presence of his noble and learned Friend (Lord Langdale); but he (Lord Brougham) happened to know from direct information (which would not be denied by his noble Friend opposite) that there was to be an end of that arrangement. He wished to say that he continued of the same opinion. He might be wrong, and

therefore he might be obstinate; but he might be right, and if right he continued of the same opinion still. He considered that there was no ground for not continuing the Commission except the objection of some members of the law who had petitioned the House on behalf of the public and of themselves. He had only to say, that if any arrangement should be made by which the Commission should be determined, he knew that it would not be on account of any the slightest doubt as to the efficiency and ability of the learned Commissioners in the discharge of their important duties as Lords Commissioners of the Great Seal. No man for a moment could doubt their entire efficiency. He, however, could only express his regret that his noble Friend opposite should have yielded a little to a pressure from without; but he must say, that if there were any pressure from without deserving of more respect than another (his noble Friend anticipated what he was about to say), if there were any exception to be made in yielding to such pressure, it certainly should be in the case of that highly respectable and important profession of which he had the honour to be a member, and which had so much influence both in and out of Parliament. He must also add, that if that arrangement were to be put an end to, and the Great Seal was to be entrusted to any individual, he did not know any person to whom he should wish to see it entrusted rather than to one of the most amiable, most learned, and most experienced lawyers in Westminster Hall—a man experienced in Chancery proceedings from his former profession, and of great experience in Common Law; and he begged leave to add, as the crowning words of his eulogy, that he did not know a more honourable, honest, and entirely independent man than Chief Justice Wilde.

BENEFICES IN PLURALITY BILL.

The EARL of POWIS moved the Third Reading of this Bill.

The EARL of ELLENBOROUGH observed, that if their Lordships passed this Bill, parties entering into the Church would not be able to procure anything more than a bare competency, and the result would be that an inferior class of men would be brought into the ministry, for the same reasons as those which had introduced an inferior class of men into the Roman Catholic Church of Ireland.

The ARCHBISHOP of CANTERBURY

supported the Bill. Its principle was, that wherever the income of a living was sufficient to support the incumbent, that living was entitled to his services. He regretted that they were now debating about the trifling pittance of 100*l.* a year. When their Lordships considered the expensive education which every clergyman received, their Lordships must regret that the large majority of clergymen were so inadequately remunerated. By adopting this Bill, they would ultimately be enabled to add an augmentation of income to the small livings, which they could not otherwise hope to receive.

The EARL of POWIS thought that it would have been much better, had the House adopted the Amendment which he had proposed upon this Bill. Indeed, he should have preferred the Bill in the shape in which it had come up from the Commons. That Bill asserted an intelligible principle, that no two livings should be held together which were not contiguous to each other.

After a few words from the Archbishop of CANTERBURY.

On Question, Resolved in the *Affirmative*.

Bill read 3^a accordingly with the Amendments.

A further Amendment moved, and disagreed to; other Amendments made.

Bill passed, and sent to the Commons.

INSPECTION OF COAL MINES BILL.

Order of the Day for the House to be put into Committee read.

The EARL of CARLISLE, in moving that the House do now resolve itself into Committee, thought it hardly necessary to do more, in order to bespeak the favourable attention of their Lordships to this measure, than to remind them of the many appalling accidents which had so frequently occurred in coal mines, which, without any warning or preparation, converted scenes of busy industry into so many scenes of mourning and desolation. He found that during the twenty-five years preceding the Special Committee of Inquiry appointed in 1835, 2,070 persons had perished through these catastrophes; that in the year 1845 upwards of 100 persons perished in the same way; in 1846, thirty-five persons; in 1847, seventy-three persons; and in 1849, seventy-nine persons perished. But the mere statement of the loss of life gave but a very imperfect idea of the amount of injury inflicted by these explosions, because no one could tell the number of in-

dividuals who were either permanently or temporarily disabled in consequence of these accidents. In this fearful waste of human life there was sufficient reason for at least some judicious and moral interference on the part of the Legislature. Neither the attention of the Government nor of the Legislature had been withheld from the subject; and for a long series of years inquiries had been instituted and suggestions made with a view to remedy the evil. A Parliamentary Committee was appointed in 1835 to inquire into the nature, causes, and extent of accidents in coal mines. The Committee in their report dwelt upon the necessity of procuring proper plans of the collieries, and descriptions of the workings carried on in them. In 1843 various persons associated themselves together, and were called the South Shields Committee. They published a report, containing much information respecting the collieries, and they also urged the importance of obtaining accurate plans of the mines. In 1844 Messrs. Lyell and Faraday were employed to investigate the cause of certain accidents which had occurred at Haswell; and in 1845 Sir H. de la Beche and Dr. Playfair were engaged in investigating an accident that had occurred at the Jarrow mine. All these eminent and scientific men made reports to the Government, and the Bill now before their Lordships had been prepared in accordance with the recommendations contained in those reports. Inquiries had been instituted into more recent accidents; and, finally, a Select Committee of their Lordships' House was appointed upon the subject. Mr. Kenyon Blackwell and Professor Phillips were last year appointed by the Secretary of State to investigate all matters connected with collieries, of whose appointment their Lordships' Committee expressed their distinct approval. He would quote an extract from Professor Phillips's report:—

“ The primary duty of a public Commission will be to take measures for ascertaining, in respect of every colliery, the natural sources of danger to which it is liable, and the degree in which, by carrying out the above principles, the danger is prevented, or the men are guarded against it. The Commissioners must ascertain in respect of every colliery, by personal examination, or by reports of authorised agents, what dangerous or injurious gases are produced, what means are adopted for ventilation, what is the efficiency of those means, what are the rules for conducting the mining operations, and how these rules are enforced. They will be called upon to form a judgment whether a colliery may be worked en-

tirely with naked lights; whether lamps ought to be substituted in certain parts, or used everywhere; and, in extreme cases of dangerous physical conditions or bad arrangements, whether the working of the mine ought to be contracted or suspended. For the due performance of these duties the Commissioners must have power to enter and examine the mines, or to appoint persons to enter and examine them; to call for plans and sections of the works, returns of the measured quantities of air circulating through the mine, and such descriptions of the natural condition, artificial arrangements, and discipline under which the mine is conducted, as may clearly and fully make known its actual working state."

Their Lordships would observe that the two measures pointed out as being indispensable for the safety of those concerned was the procurement of plans and the inspection of the mines and works. No interference was at all recommended. Authorised persons were to inspect and to report. It was to those two points that the present Bill was expressly confined. The Bill merely enacted that the Secretary of State should appoint inspectors who were to examine the mines, works, and machinery belonging thereto; and if in their judgment anything in the mine itself, or in the working of it, appeared dangerous or defective, they should have power to summon before them the agent or manager of the mine, in order to point out what they deemed to be defective or dangerous; and in the event of the necessary improvements not being agreed to be made, they were then to make a report to the Secretary of State. The Bill further directed that the owner should produce a map or plan of the mine to the inspector; and if there were no such plan, then the inspector might give directions for having one made. The owner was also required to give immediate notice to the Secretary of State of any accident that might occur in his mine. The Bill imposed no expense whatever on the owners of mines, nor was it attempted to interfere with their mode of working the mines. The responsibility of conducting the works would still rest with the proprietors. All that was asked by the Bill was a power of inspection, and a right of demanding plans. Let it be remembered, if it were intended by any wealthy owners of mines to oppose this Bill, that it was not a measure solely to be applied to them. They, from the possession of capital, aided, too, by a benevolent disposition, might possibly be perfectly competent to work their mines in a manner that should effectually guard against the danger of any accidents occur-

ring. But that was not the case with all descriptions of owners; and in legislating upon such a subject, the provisions of the law must necessarily have a general operation. With all these cases of accidents, he hoped their Lordships would not interfere to prevent the Government from attempting a remedy. A simpler remedy than that which they proposed could not be brought forward, as it limited the powers of the inspector merely to making suggestions and the preparation of plans. The noble Earl then moved that the House do now resolve itself into Committee on the Bill.

The EARL of LONSDALE, as one who was largely interested in the coal mines of this country, would be among the first to support a measure of this description if he thought it would lead in any way to a saving of life; but he believed it would be attended with no such advantage, and he objected to the principle of Parliament interfering with the private business of any part of the community, when no public benefit was likely to arise from it. He believed that no precautions the Government could take would prevent the occurrence of occasional accidents, and that the parties interested in collieries were themselves best qualified for doing so. Reference had sometimes been made to the case of Belgium, where Government inspection took place; but there was evidence to show that in that country it did not operate as a guard against accidents, nor even to an improved mode of working the mines. Some most extraordinary recommendations had been made by scientific professors; but their Lordships might depend upon it that practical persons acquainted with all the details of colliery management were much more likely to carry out effective measures for the prevention of accidents. In the elaborate report of Mr. Phillips, it was stated that in the northern counties the state of ventilation was greatly improving, and he mentioned that "bad ventilation was becoming rare and exceptional." The noble Earl who introduced the Bill seemed to lay stress upon the point that the power of the inspectors was only to be confined to the preparation of plans and making suggestions. He was afraid, however, that if they adopted this Bill, they would hereafter be told they had admitted the principle of interference, and that further powers would be asked for. He did not believe that this measure was

asked for by any large body of persons. At Newcastle some agitation had been got up; but in Wales quite a contrary feeling prevailed; and he had presented a petition from Wales, signed by 300 workmen, praying that their masters should not be interfered with in the working of their mines. It was clearly for the advantage of coalowners themselves that every possible precaution should be taken to prevent accidents, for they were the cause of great loss, leading to a stoppage of the works, besides the expense of attendance upon those injured, and pensions to the widows and others left unprovided for. He was, at the same time, borne out in saying that the number of accidents had by no means increased in proportion to the number of new collieries opened, and the increase of hands employed. Believing that the Bill before the House would be of a highly injurious character, he moved as an Amendment, that it be committed that day three months.

The MARQUESS of LONDONDERRY complained of a Bill of this nature being introduced at so late a period of the Session, especially as he understood from the noble Earl (the Earl of Carlisle) that numerous alterations were to be made in the clauses, which it would be utterly impossible fully to discuss either in that or the other House of Parliament. He regretted that a noble Earl opposite (Earl Grey) had not himself come forward to take the management of a Bill of this kind, because from the particular position of that noble Earl, in being called upon to look into the management of the collieries of a noble relation of his own, his opinion with respect to the mode of conducting mines would have been of the highest value. Could he for a moment only refer to the father of that noble Earl as being present in the House, he was sure that he would not recommend such a Bill as the one now before the House, and that it would not have been brought forward by any Cabinet of which he was a Member. The increase in the number of accidents was by no means proportioned to the increase in the number of persons employed on account of the new collieries that had been brought into operation within these few years. He asked their Lordships to look at the last report which was made on this subject, and also at the Bill before the House, which was partly founded on that report, and observe what was really proposed. It was re-

quired, for example, that the inspector should, in certain cases, send in a report to the Secretary of State; but if the coalowners sent in a report different from that of the inspector, they were left in ignorance as to what course the Secretary of State was then to take. There was thus on the face of the Bill an evident sign of inefficiency. The noble Earl said the Bill would not interfere with the management of mines, but he confessed that he saw no reason in the Bill if it did not so interfere. The inspector was to have the power to inspect and examine any coal mine or colliery, its works and machinery, the ventilation, the mode of working and using lights in the same, and, in short, into "all matters and things connected with or relating to the safety of the persons" employed in mines. He was also, if he found anything connected with the mine "dangerous or defective," to report the same to one of Her Majesty's Secretaries of State. Now, if they looked at the report of the last Committee of the House of Commons, they would find it stated that there were great differences in the condition of collieries—it being admitted that many were conducted in the best possible manner. He wanted to know, therefore, why, in such circumstances, a Bill of this kind was to be made applicable to all collieries? Under the Bill an inspector was bound to go down and examine all the interior arrangements of a colliery, and the owner was to provide him with plans and all the documents connected with the interior operations. Now, this interference with private concerns might be highly prejudicial, for the inspector was not prohibited in any way from making those documents public. Then the coalowner was to pay for all this; he was to be at the expense of providing the inspectors, and it might be the public, with an account of the interior concerns of his work, all his wealth, all his property. He objected to the Bill because it was calculated to make the pitmen believe that the proprietors of the mines, and even the overmen, were not so anxious for their preservation as they ought to be. He defied the Government to appoint an inspector who could perform the duty in the collieries of the great northern district as efficiently as those who were now actively employed in that duty. And yet the Bill called upon the coalowners to pay for these inspectors. He protested against the first three clauses of the Bill,

but most of all against the demand which the inspector was authorised to make for the production of all the documents, maps, and drawings relative to the mines. For himself, he would rather hand over his collieries to the management of the noble Earl than be in a situation which compelled him to pay for a man who was to exercise this kind of superintendence. He protested against the Bill as the most mischievous and unjust measure that could possibly be imagined.

LORD WHARNCLIFFE said, that the noble Marquess and the noble Earl who had preceded him had misconceived the effect of the Bill. He had heard no valid arguments used against it, and so far from the measure being opposed by the coal interest, he believed that it was regarded in a friendly spirit, both by the coalowners of the North of England and the Midland districts. He thought the Government deserved great thanks for introducing so valuable a measure, even at that late period of the Session.

The EARL of CARLISLE said, that he could assure the noble Marquess that sufficient time would be given to take the Bill with the Amendments into consideration.

On Question, agreed to. House in Committee accordingly; Amendments made; the report to be received on Tuesday.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 11, 1850.

MINUTES.] PUBLIC BILLS.—1st Deanery of St. Burian Division.

CONVICT PRISONS BILL.

Order for Third Reading read.

VISCOUNT MAHON said, he rose to state his view of the conduct of the Government on this subject, but not for the purpose of offering any opposition to the Bill; on the contrary, he was disposed to agree with the main features of it. A pamphlet had been published purporting to be a speech delivered by Earl Grey upon the measure, and upon looking at the speech he was happy to find that the noble Earl had expressed views similar to those which he had himself advocated for so many years on this subject. With respect to the conduct of the convicts in the colonies, he thought one very important point was their treatment when, after their period of imprisonment here, they were

sent to the colonies. The present system was a recurrence to that of the ticket of leave, and it was a great improvement upon that which was in contemplation two or three years ago. His doubt, however, was, whether the power left to the convicts under tickets of leave to change their masters, was not liable to great abuse, and whether, notwithstanding the regulations of the Colonial Office, there were not many evils connected with the present system. Upon that subject he found that Sir W. Denison took the same view as he himself took; and, approving of the system under the present Bill, as a return to a modified system of assignment, he trusted the Government would take into consideration the propriety of limiting the right of convicts to change their masters. Another point was the propriety of diffusing convicts, and of extending the sphere of their distribution; but in recommending attention to those points, he had no wish to impose convicts on any colony without the consent of the colonists. The blame of such a course entirely rested with Earl Grey, who, whether as an opponent or friend of transportation, had done more against it than any other person. For his part, he thought it desirable that transportation to New South Wales should be revived. The House might not be aware of the great number of persons who, being in a state of destitution here, were desirous of emigrating to the colonies, and on that account he objected to the summary manner in which Earl Grey had put an end to the colony of North Australia, which had been sanctioned by his immediate predecessor. He had no further observations to make, and he rejoiced that the ground of difference between himself and the right hon. Gentleman the Home Secretary was now so slight. Eminent as were the abilities of the Secretary of State for the Home Department, there was no matter in which he was better versed than the management of this important subject.

SIR G. GREY said, that as no opposition was offered to the third reading of the Bill, he would confine himself to the suggestions which had been made by his noble Friend, without entering upon the general subject of convict discipline. He allowed that in matters of this kind, it was necessary for the Government to feel its way, and to be guided not only by the experience it had acquired, but by the opinions of men on whose authority

reliance might be placed. With regard to the limitation on the power of assigned servants to change their masters, some further correspondence on the subject had taken place between Sir W. Denison and Earl Grey, and additional modifications had been introduced, in accordance with the opinions expressed by Sir W. Denison, though they did not go the whole length of his recommendations. It was not intended to return to the system of assignment, which had produced so many evils; but the principle of assignment was valuable, and care would be taken to guard against the mischiefs to which the old system had led. With regard to the treatment of convicts at home, he begged to say that it was intended to do away with the hulks at Portsmouth, and to erect a convict barrack on shore. Returning to the treatment of convicts abroad, he quite agreed with his noble Friend that it was extremely desirable that the convicts should be dispersed as widely as possible, and also that as many of our colonies as possible, in which the labour which they could give would be found useful, might be induced to receive convicts. He was certainly anxious that New South Wales should take convicts again, if the consent of the colonists could be obtained; but he feared that any attempt on the part of the Government to press that subject now on the attention of the Colonial Legislature, would defeat its own object. He thought that if a number of free emigrants were assisted to emigrate to that colony, the Legislature might be induced to receive convicts again. With regard to North Australia, he could only repeat what he had said last year, that it was to be peopled by exiles and emancipists from Van Diemen's Land, who were to be induced to keep together by grants of land. With respect to emigration, he would not now enter into the question, but he thought it was very desirable not only that the convict population should be mixed with a free population, but also that the convict population should be as small as possible in comparison with the free. Emigration during the last year to North America had been unprecedented even from this country. He thought that the application for a grant to assist such emigration would defeat the objects which they had in view; for in that case the emigrants who would be inclined as heretofore to send money to

their relations in England to follow them, would retain that money in their pockets, and throw upon the Government the expense of such further emigration, and probably a smaller emigration would ensue than would otherwise have taken place.

SIR J. PAKINGTON expressed his satisfaction at the attention which had been devoted to this important subject by the right hon. Gentleman, and also by his noble Friend the Member for Hertford. He still doubted, however, whether the second stage of convict discipline should not be carried out in one of the colonies abroad, instead of maintaining a large convict establishment at home for that purpose. With regard to the Bill before the House, he was only sorry that its principle was not carried further; and he hoped that another Session would not pass without seeing a central board established for the government of prisons generally, instead of being confined, as it was by this Bill, to the prisons of Millbank, Pentonville, and Parkhurst.

MR. SLANEY feared that plans for the reformation of prisoners were viewed with much too sanguine an eye. His opinion was, that all plans for the reformation of crime had been as unsuccessful as they were expensive, and that if one-tenth of the expense which they cost were applied to the prevention of crime, it would answer infinitely better. He hoped that the attention of Government would be directed to the bringing forward of some remedial measures in the shape of education, and he would suggest the practicability of passing an enabling statute, empowering parishes to rate themselves for the purpose of introducing an improved system of education for the juvenile portion of the community.

MR. FLOYER referred to these prisons being constructed of wood and iron causing the danger of conflagration, and he hoped the authorities would turn their attention to the point. As to the prison of Portland, there was a strong opinion in the neighbourhood, and he thought it operated injuriously on the labouring population, that the work in that prison was not of a laborious character, and that the food supplied to the prisoners, in proportion to the work they did, exceeded in quantity and quality what was absolutely requisite. In other prisons, where the treadmill was introduced, the labour of the treadmill was severe; but in the prison of Portland, where they worked in gangs, it did not follow

that an equal amount of food was requisite for their support.

MR. HENLEY said, that in his opinion there would be no real improvement in prison discipline until they had a better mode of classification for prisoners for the next class of offences to transportable crime. He approved generally of the Bill before the House, with the exception of the last clause, which embodied in one general provision the regulations of Parkhurst, Pentonville, and the other public prisons. In his opinion, they should be provided for by distinct regulations.

SIR W. JOLLIFFE believed it was in vain to pass penal statutes so long as there were 34,700 beershops in the country where drink was consumed on the premises. It was the excise on malt that led in a great measure to the establishment of these beershops, with which it would be difficult for the Government to deal so long as that tax existed.

SIR G. GREY said, that the incorporating clause would effect no alteration in the regulations of the different prisons.

Bill read 3^d. Bill passed.

POOR RELIEF BILL.

Order for Committee read.

MR. BAINES moved that the House resolve itself into Committee on this Bill.

SIR H. WILLOUGHBY objected to the Bill as taking powers to purchase ground for the purpose of forming separate burial grounds for paupers. It appeared to him to be an offensive and ungracious provision.

SIR J. PAKINGTON hoped that this would be the last of the annual Bills on this important subject. The consequence of the system was, that the enactments of the poor-law became spread over so large a number of statutes as to become complicated and incomprehensible. He trusted that next Session the right hon. Gentleman at the head of the Poor Law Board would be prepared to avail himself of the valuable reports upon the law of settlement which were now upon the table of the House.

SIR G. PECHELL was also opposed to these continual renewal Bills. He hoped that the present measure would be strictly confined to the renewal of existing provisions.

MR. BAINES said, that next Session it would be his duty to draw the attention of the House to the question of the law of settlement, which, as was well known, was intimately connected with the important

question of the area of rating. But he had another reason for confining his demand this Session to a mere renewal of present provisions. It was well known that a Committee of the House of Lords was sitting this year, and investigating the whole question of poor-law assessment and the area of rating, and until the report of that Committee it would be premature to bring in a permanent measure. He hoped, therefore, that the House would agree to a proposition for continuing for a year longer the present system of union charges. The hon. Baronet the Member for Droitwich had stated that occasion was taken of these annual Bills to introduce a great number of new provisions into the poor-law. No doubt the inconvenience of the magistrates, having to look through numerous statutes in order to arrive at the law for regulating poor relief, was great. But the hon. Baronet would see that as new circumstances arose, the necessity for new provisions became apparent. For instance, the visitation of the cholera last year had rendered necessary some such provision as that in the present Bill, with regard to burials. There then was a clause for making assaults committed on poor-law officers punishable by imprisonment, with hard labour, in the same way as assaults on peace officers were punishable, the necessity for which had been only brought to his mind by a most violent assault recently committed upon a poor-law officer by a vagrant, who first attacked him with a heavy stick, and having knocked him down, bit, and kicked him; and upon the man being taken before a magistrate it was found there was no power to punish him by the infliction of hard labour. Therefore, it was with regard to these, as to many other provisions, they could not be enacted until the necessity for them arose. With regard to the burial clause, he hoped the hon. Baronet would excuse him from going further into that subject until they got into Committee, when he should be happy to give any information that might be required.

House in Committee.

Clause agreed to.

Clause 2 struck out. Clause 3 agreed to.

On Clause 4,

MR. HENLEY wished to know whether it might not be wise to extend the provisions of this clause previous to bringing up the report. It often happened that there were persons in the lunatic asylums who were possessed of some small property of one description or another, and at present

there were no means of applying that property to the maintenance of the lunatic. He suggested that the machinery of the county courts might be made use of to apply such property to the support of the lunatic. The case was this: A person was in a county asylum under a certificate of insanity, and the overseer had to pay money for his support under the order of committee of the asylum. He thought that upon such a foundation the overseer might make application to the judge of a county court to proceed against the property of the individual. Under the present system the dividends often went on accumulating for 20 or 30 years, and a considerable sum was perhaps eventually inherited by a relative of the lunatic, which ought to have been applied to his maintenance while in the asylum.

Mr. BAINES was obliged to the hon. Gentleman for the suggestion. The question was surrounded with difficulties, but it should have his careful consideration.

Clause agreed to; as were Clauses 5 to 9.

Mr. BAINES then proposed, as a substitute for Clause 2, which had been struck out, a clause empowering the guardians of any union or parish to contribute towards the enlargement of existing burial grounds, or towards the providing of new ones. Under the law as it now stood, persons dying in workhouses must be buried in the parish to which they were chargeable, except when a request had been made in writing by the deceased, or the husband, wife, or next of kin, that the body should be buried in some other burial ground; and it often happened that the guardians had to take the body to some distant parish, eight or ten miles off. This had been found most inconvenient, especially during the visitation of the cholera last year, and proposals had been made by the guardians of several unions to this effect. Subscriptions had been entered into in many parishes for the enlargement of existing burial grounds, or the formation of others, which though separated from the parish churchyard would be consecrated and supplemental to it; and these guardians were anxious to be allowed to contribute to the fund so raised, in order to obtain the means of burying the poor who might die in their respective workhouses, without being subjected to the inconvenience to which he had alluded. But on looking into the law it was discovered that there was no power to authorise them to do so; hence the necessity for this clause.

SIR H. WILLOUGHBY objected to the burial of persons who might have the misfortune to die in the workhouses in burial grounds apart from those in which other persons were interred.

Mr. HENLEY objected to the vagueness of the clause, and suggested that it should be worded in such a manner as to provide that the inmates of workhouses should be interred in the ordinary parochial or general burial ground.

Mr. BAINES promised to consider the point before the report was brought up, and so to alter the clause as to meet the very natural objection which had been urged.

Clause agreed to, as were three other clauses.

House resumed; Committee report progress.

Report to be considered To-morrow.

PUNISHMENT OF DEATH.

Mr. EWART, after presenting a number of petitions from Brighton, Bristol, Glastonbury, Shrewsbury, Falmouth, Liverpool, York, and other places, praying that the punishment of death may be abolished, proceeded to move for leave to bring in a Bill to abolish that punishment. He should not feel authorised to renew, year after year, a Motion on this important subject, unless he had been impelled, and supported, by two considerations: first, a constantly increasing conviction on his own part of the justice and expediency of the proposition; secondly, by the manifest tendency of public opinion in favour of an alteration of the law, which became stronger and stronger every day. On former occasions, when this subject had been argued, figures had been triumphantly appealed to by parties on both sides of the question; but, as it had been justly observed, statistics might, like mercenaries, be made to fight on either side; and the result, in the present instance, might be described as a drawn battle. The general result, however, on the whole view of the question, and for a series of years, was, he believed, in favour of the abolitionists. This fact, however, could not be denied—that the mitigations of the punishment of death which had taken place, had not added to the danger, perhaps they had even increased the security, of society. On this occasion, he would not take a statistical view of the subject; but, by evidence of facts and opinions, endeavour to show that the present system was inconsistent with what Beccaria and Blackstone laid down as the

great object of all punishment—the certainty of its infliction. He would begin with the first important stage of a criminal's trial, the verdict of the jury. It was allowed that the only case in which capital punishment continued to be practically inflicted, was for the crime of murder. Now he believed that any one who consulted the returns laid before the House, would find a great predominance of acquittals in cases of murder; especially for insanity, under which plea the jury sheltered their aversion to capital punishment. But he would not draw inferences—he would give facts. The first case he would mention was one which occurred on the 22nd of February, 1849. At the Newcastle assizes, Jane Mitchell was then indicted for the wilful murder of her illegitimate child. The murder was clearly proved against her; the jury deliberated for an hour and a quarter, and they then returned a verdict of guilty, but recommended the prisoner to mercy. The Judge inquired, "On what ground do you recommend her to mercy?" The reply of the jury was, "From our objection to capital punishments." Another case occurred at Devizes, on the 9th of August, 1849, when Rebecca Smith was indicted for the murder of her own child. The case was clear; the Judge was decidedly of opinion that the prisoner was guilty, and the jury said in their verdict, "It is our painful duty to pronounce the prisoner guilty, but we strongly recommend her to mercy." The Judge inquired on what ground, when the foreman answered, "That she may have time to repent." In this case the jury were clearly of opinion that the prisoner's life should be spared, to give her time for repentance. On the 10th of January, in the present year, Sarah Drake was indicted, at the Central Criminal Court, for the murder of her own child. The verdict of the jury was "Not guilty;" the reason they assigned for that verdict was, that the prisoner was at the time in a state of temporary insanity. Now, he (Mr. Ewart) knew it to be the opinion of those who attended at the trial, that the verdict on that occasion was founded on the objection the jury entertained to capital punishment. He believed he might safely add, that such, if asked, would be the opinion of the learned Judge who tried the case. These instances had occurred only within the past year. He forbore to turn his view back to former years, or to take any doubtful cases. But he had not only these

facts. He had, in his support, the opinion of Judges themselves, that such were the facts: and that juries, under the present state of the law, found verdicts of acquittal contrary to evidence. Several of the Judges declared their opinion before the Committee of the House of Lords on Criminal Law, appointed on the Motion of Lord Brougham, that juries would not find a verdict of guilty in cases of murder, from their objection to capital punishment. Mr. Justice Coltman acknowledged that, under the present system, "many guilty persons escaped." Mr. Justice Perrin, a Judge who justly enjoyed the highest reputation in this country as well as in Ireland, versed in the criminal law of Ireland, said, "he was convinced that in many cases of murder, when juries had either acquitted, or had not agreed to a verdict, the apprehension of taking away life had been the cause; and that, had the punishment been short of death, convictions would have taken place." Again, Baron Alderson, though himself still in favour of the retention of capital punishment, acknowledged, speaking of certain cases of murder, that "it is a bad thing to have verdicts continually given in the teeth of the law and of the evidence." They had here three Judges acknowledging that juries would not follow the facts, but found verdicts against those facts, chiefly in consequence of the infliction of the punishment of death. The Recorder of the borough of Birmingham (Mr. Hill, a gentleman honourably known in that House, as well as generally for his character and talents), uttered these words before the Committee of the Lords: "Such was the growing dislike to the punishment of death, and such the reluctance of juries to be parties to its infliction, that he believed many a prisoner would rather incur the chance of being convicted and hanged on a capital charge, than the comparative certainty of imprisonment if tried for a minor offence." Supported by these facts and these opinions, he (Mr. Ewart) maintained that the first instrument of our criminal law, the jury, was enfeebled in its effects by the uncertainty of its action; and that such uncertainty arose from the retention of the punishment of death. But he would now take the operation of this law on the minds of the Judges themselves; and again summarily recall to the attention of the House, what they and other competent persons had recorded as their own conclusions on the subject. Undoubtedly the opinion of the greater number

of the Judges examined before the Committee of the House of Lords was in favour of the retention of capital punishment; but of the whole number of English and Irish Judges, no less than five recorded their objections to it, and three out of these five their willingness that it should be abolished. Mr. Justice Wightman, Mr. Justice Coltman, and Mr. Justice Perrin, gave strong reasons for its abolition; and Baron Richards and Chief Justice Wilde expressly stated their objections to capital punishments. Before the same Committee other persons of great authority, and well acquainted with the working of the criminal law—among whom were the Rev. Mr. Russell, inspector of prisons; Mr. Rushton, stipendiary magistrate of Liverpool; Mr. Hill, Recorder of Birmingham; Mr. Serjeant Gaslee; Mr. Stephens, the head of the police at Birmingham; and Mr. Phillips—expressed the same opinion. He maintained, then, that the force of justice was weakened, not only through the mind and feelings of the jury, but through the mind and feelings of the Judge. Here, therefore, you have two of the very instruments of justice deprived of their full power; or rather influenced by a power at variance with that very law with which they ought to be in harmony. Nor was this all. There were occasional conflicts of opinion between physicians who were called to speak to the sanity or insanity of prisoners, and the Judges on the bench. It was now admitted by medical men that there was such a disease as moral insanity; but on that point a difference of opinion not unfrequently took place between the Judge and the medical witnesses. It was an admitted maxim of law, that *culibet in arte sua credendum est*. If this principle were true, the testimony of the physicians ought to be received; yet it was sometimes rejected by the Judges. He maintained that such circumstance tended additionally to shake the certainty of the law, and thereby to increase the frequency of crime. But if they ascended a little higher, they would find that this uncertainty affected the decisions of the Home Office itself. No one could be more convinced than he was of the purity of the motives which influenced the present Home Secretary, or that the inclination of that right hon. Baronet was to lean towards the side of mercy; but it did happen that cases were sometimes determined at the Home Office, by which the public was perplexed to conceive on what ground one criminal was reprieved, while

another was capitally punished. With regard, for instance, to the case of Annette Meyers, it had been asked not only last Session by his hon. Friend the Member for Manchester (Mr. Bright), but by others, why, if she was reprieved, other persons, who did not appear to have been more guilty, had been allowed to suffer capital punishment? Public attention had been more recently called to the case of Charlotte Harris, who was tried for murder at Bridgewater on the 4th of August, 1849. The jury found her guilty, the Judge concurred in the verdict, and he believed no doubt could be entertained of her guilt. She was sentenced to death; delay was occasioned by the peculiar state of the prisoner, and, after being respited for a time, she was finally reprieved. He did not know whether the Home Secretary could give any explanation respecting that case; but it appeared to him that capital punishment had taken place in many cases which were not of a more atrocious nature. Here he would interpose a question on which he much desired an answer from the right hon. Baronet. Can you ever execute for a capitally-punishable crime, having for a certain time (he would say for one year) delayed the capital punishment? He should probably put this question more strongly ere he closed. Under all these circumstances he maintained that uncertainty of punishment was engendered by the existing law; and that a more moderate, but certain, punishment would more effectively diminish crime, than a sanguinary but uncertain punishment. Let it further be remembered, that this uncertainty would go on increasing. Every year added to the more humane and enlightened feelings of the juries. Every promotion to the Bench increased the probability that the feelings of Judges would undergo a similarly mitigating influence. If this, then, were the position of events and probabilities, he was anxious to know on what grounds the Government would defend the maintenance of the present system. On a former occasion the right hon. Baronet had founded his opinion of the propriety of maintaining capital punishments upon a certain indefinite idea of their occurrence which he seemed to suppose existed in the minds of persons likely to be criminals; but it could not be supposed, if the uncertainty to which he (Mr. Ewart) had referred, continued to exist and to increase, that any fixed idea of a connexion between crime and capital

punishment could abide in the minds of the population. Another argument used by the right hon. Baronet was, that public opinion was on the whole in favour of a continuance of capital punishments. Now, he would undertake to say, that in no town in the kingdom could the right hon. Baronet assemble a meeting at which resolutions favourable to the maintenance of such punishments would be carried, or in which counter resolutions could not be passed by an overpowering majority. He thought, indeed, some of the scenes which had taken place at different executions, had filled the minds of the people with a degree of horror which disinclined them more than ever from the continuance of the punishment of death. [The hon. Member here read a description of the execution of Sarah Thomas, at Bristol, in April, 1849. The account stated that the convict refused to leave her cell on the morning of her execution; that when force was used to remove her she resisted violently; and that she was dragged by several men up to the scaffold, where she struggled and shrieked in a dreadful manner.] A scene of the same kind was enacted at Glasgow in January last, at the execution of a Mrs. Hamilton. It appeared that she fell into violent hysterics shortly before her execution; her strength being exhausted she remained in a state of almost unconsciousness on a couch in the condemned cell; and she was executed in a state verging on insensibility. Such occurrences were calculated to shock the feelings of the whole community, and he was not surprised that they increased, rather than lessened the desire for the repeal of the punishment of death. He knew many persons were of opinion that the evils of public executions might be avoided by having recourse to private executions; but he was entirely convinced that private executions would never be endured by the people of this country. In the first place, they were contrary to the genius of the constitution, and the habits of the people. In the next place, it must be remembered that even if private executions were allowed, the Government could not exclude from them the members of the press. The public would therefore read accounts of what they now saw; and the effect produced by the painful description of these private executions, would be the same as was now produced by public executions. In fact, the prohibition to witness the sight, the *vetitum nefas*, would excite and sharpen public curiosity; and every detail of horror would be read

by all, instead of being seen only by a few. He (Mr. Ewart) would conclude this portion of his speech, by repeating, more distinctly, a question which he had already put to the right hon. Baronet: How was it that if a capital execution were delayed for two or three years it could not be executed? for he thought it would be admitted that if a capital punishment was deferred for that space of time, it would be almost impossible to inflict it. Punishments not involving the loss of life, might be postponed for a lengthened period: still they might be carried into effect. It was not so with the punishment of death. How came it then that there was this result, caused by time given for deliberation, in the one case, and not in the other? He believed it arose from this: that capital punishment was founded on the principle of revenge. The law placed itself in the position of a person acting on the impulse of the moment, and then did that deliberately, which could only be justified when done on the impulse of the moment, and in self-defence. But when the law took up the case of the prisoner, the impulse was gone, and the necessity of self-defence was gone; consequently, when time for reflection was given, reason took the place of vengeance, and the sentence could not be carried into effect. But we were here met by those who argued, not in his opinion religiously so much as theologically, in favour of retaliatory and revengeful punishment. They took their stand upon one solitary yet disputed text of the Old Testament. But if we were to adopt this mode of reasoning from isolated or partial texts of Scripture, we might palliate, though we could not justify, any excesses. Such a mode of reasoning would extenuate the savage enthusiasm of the Anabaptists of Munster, and the cold and formal cruelty of the Puritans of Connecticut. We appeal, not metaphorically but literally, from the "letter which killeth, to the spirit which giveth life." We derive from the tenor of the Gospel two principles: the condemnation of the spirit of revenge, and the encouragement of the spirit of repentance; and both these principles we believe to be against the punishment of death. Your system perpetuates the principle of revenge; the same principle in substance as was formerly identified with the rack and with the wheel:—

"Clavos trabales et cuneos manu
Gestans ahenos; nec severus
Uncus abest, liquidumque plumbum."

At the same time you arrogantly, and, as

we deem, somewhat impiously, endeavour to circumscribe within bounds assigned by law, the illimitable spirit of repentance. Permit me to apply on this occasion the words of our great moralist Johnson himself in his lifetime an opponent of capital punishment:—

“ Shall then no fears awake, no wishes rise,
No cries invoke the mercies of the skies?
Inquirer, cease: petitions yet remain,
Which Heav'n may hear, nor deem religion vain.”

With these words I close; never so convinced as I am now that the knell of this last vestige of barbaric punishment is now being sounded throughout the land; never so convinced as I am now that the reform which we support is founded on sound (because on certain) principles of punishment, on the lasting interests of humanity, and on the genuine spirit of the Bible.

Motion made, and Question put, “ That leave be given to bring in a Bill to abolish the Punishment of Death.”

MR. HUME, in seconding the Motion, said, that the observations of the hon. Gentleman who had just sat down ought to convince hon. Members who looked to the proceedings in that House for the last few years. The results of the reforms which had already taken place were so beneficial that they ought not to despair of carrying out this object, for it should be remembered that Her Majesty's Ministers never carried out a reform unless they were compelled to do so. Those, too, who said that the discussions on that subject in that House had not been productive of benefit, were quite mistaken. In no question had the result of deliberation been more evident than in the question of the punishment of death; and on the same ground he was convinced that a little more time would entirely remove the punishment of death from our code. It was a source of great satisfaction to those who had been in any way assisting in forwarding this work, that they could look back with pleasure to the progress of the question; and that in no instance had the benefit been greater than in the instance of the Army and Navy. Historians would scarcely credit the language which had formerly been used in this House for retaining this barbarous practice. There were instances in which verdicts of acquittal had been awarded by jurymen in order to avoid the infliction of death. From 1840 to 1844 the number returned as insane was 23. From 1845 to 1849, the number was 48, arising from the unwillingness of jurors to be par-

ties to putting their fellow creatures to death. In the last year no fewer than 16 individuals had been found as insane from the same cause. In the Army, formerly, hundreds of lashes were inflicted; but now the Commander-in-Chief had reduced the punishment to 50, and had expressed a hope that he should see flogging altogether abolished. If they looked back to the number of crimes for which death had been formerly awarded, it was a disgrace to the age that sanctioned it; but as civilisation increased, and crime did not increase, it was a strong inducement to agree to a total abolition of the punishment of death. He believed that many of these acts of murder arose from sudden ebullitions of passion, without consideration of the consequences. He might advert to a number of cases in corroboration of what he now stated; but, knowing that there were Gentlemen who were anxious to express their opinion, he should consider himself as having done his duty in seconding this Motion. Life had been given to man by the Creator, and man ought not to take it away. The more that life was held sacred by the Government, the more likely was it to be preserved by the people. He desired to see a punishment which gave rise to such painful scenes as had been mentioned by his hon. Friend entirely abolished; and he was anxious that people of all classes—and especially those who were generally the spectators of such scenes—should be familiarised with the idea that life was given by the Creator, and that man had not the power to take it away. He wished to add that, under the administration of a humane Secretary of State, the present law might be almost wholly inoperative; for a humane and discreet man, entertaining such opinions as he held, and believing that public executions tended to promote crime, might be unwilling to carry out the law in its full severity.

SIR G. GREY said, he should feel it his duty to take the same course with regard to this Motion as he had upon former occasions, and ask the House not to consent to entertain a Bill for the abolition of capital punishment. The hon. Gentleman the Member for Dumfries had expressed a desire to hear the grounds upon which, on the part of the Government, he should resist the Motion. The grounds upon which he asked the House not to consent to a Bill to abolish the punishment of death were, that he believed that the punishment of death, as a part of the penal law, was indispensably

necessary for the interests of society, and imperatively demanded by a due regard for that protection and security to human life which the community had a right to demand from the Executive Government and the Legislature. It must be borne in mind that in the discussion of the question, they were not dealing with the former criminal code of this country, which inflicted capital punishment in many cases for crime of a comparatively venial character. Since the year 1841, not one person had suffered death in this country for any other crime than that of wilful and deliberate murder. But the hon. Gentleman the Member for Montrose, contended that there was no right to take away the life which God had given, even for the sake of the protection of society. On this point he must be allowed to hold a totally different opinion. Would the hon. Gentleman venture to contend, that if a person attacked him with the intention of taking his life, he would not be justified, according to the laws of God and man, not only in defending himself, but in that defence of taking the life of the person who assaulted him? Did it not follow, then, as a necessary consequence, that it was justifiable where the necessity existed, for the protection of society, to inflict capital punishments for the purpose of preserving innumerable lives? He believed the preservation of life was the result of the maintenance of this punishment; and it was his firm conviction, founded upon increasing experience, that the abolition of the punishment of death would be followed by an increased destruction of human life. It was said, he knew, that the punishment had no terrors for criminals. Here again, judging from his experience, and from the opinions of persons most competent to form a judgment, he must express his conviction that death was the most dreadful and terrible to offenders of all the punishments that could be inflicted; and it was properly reserved for that crime to which it was now practically restricted, namely, the crime of wilful and deliberate murder. On this part of the subject he would call the attention of the House to the following passage from the observations of Mr. Redgrave, upon the Criminal Tables for the year 1849:—

“There has been no execution since 1841, except for murder; of the above nineteen persons convicted last year of this offence, fifteen were executed, the crimes of several being marked by circumstances of peculiar atrocity. Five of these persons were females, one for the murder and rob-

bery of her mistress, one for the murder of her husband by poison, who was also charged with and confessed the murder of her two adult sons, and the attempted murder of a third; one for the murder of her infant by poison, suspected to have been the eighth or ninth similar offence; another for the murder of her husband by poison; and the fifth was (with her husband, who was also executed), convicted of a deeply-laid plan of murder and robbery. Of the other males, one was convicted of murder, who was also charged with a second murder, and the attempted murder of two other persons, in furtherance of extensive forgeries and fraud; one was convicted of the murder of four persons, and robbery; one of the murder of his mother; one of the murder of his child; one of the murder of a young girl, supposed from motives of revenge; another of the murder of a female, the motive not being made apparent; and three of separate cases of murder in connexion with burglary and theft.”

Yet it was in cases such as were here described, that the hon. Gentleman asked the House to take away the punishment of death, and to proclaim comparative impunity to all persons disposed by any of the motives which influenced human nature to commit such crimes. It was said, in the next place, that it was an uncertain punishment. He contended that it was far more certain than any secondary class of punishments. Some reference had been made to the duties of the Home Secretary in these cases. He could assure the House that the duties of the Home Secretary in these matters were of an anxious and painful nature. But it was assumed that whether a capital sentence was carried into effect, or not, depended upon the individual character of the Secretary of State, and that if a person of a benevolent disposition held the office, he would supersede the law altogether, and refuse to carry such sentences into effect. Now, according to his views, he could only say that he should be grossly violating the trust reposed in him if he allowed the mere feelings of benevolence to interfere with the execution of the law; and therefore, in all cases, the sentence of the law was carried into effect, unless, after communication with the Judge, and a full consideration of the circumstances, there appeared good reason to justify a commutation or revision of the sentence. The hon. Member had said that the sentence could not be executed after a long period, referring, probably, to the case of the woman who was found to be *enceinte*, and whose execution was therefore necessarily respited. Of course, it then became a question whether, after a considerable interval, the effect of the punishment would

be the same, and whether, with a view to the object for which it was to be inflicted, it was necessary or expedient then to inflict it. The cases referred to, however, were strictly exceptional cases, and such as, in his opinion, tended to uphold rather than weaken the law. But it was said vindictive feelings should not be allowed or encouraged in the execution of the law. On the other hand vindictive passions and feelings were inherent in human nature. Suppose, then, that an atrocious murder were committed. The hon. Gentleman had very truly observed that a crime of this nature was never committed in this country without calling forth feelings of execration and abhorrence from the great body of the people. The people saw the course of justice maintained, and the party arrested, it might be, by their exertions in aid of justice; they knew there would be a fair trial before a jury, and that if the fact were proved, the law would inflict adequate punishment. The general feeling of the community, therefore, was satisfied. But suppose the capital punishment were abolished, and it was known that murder, however atrocious in its circumstances, would not be followed, upon conviction, by execution; why, then, private revenge would take the place of legal punishment, and death by personal violence would result. Under strongly excited feelings this would be the inevitable consequence, especially when it was known that the life of the party who thus gratified private revenge would be spared. He might multiply arguments upon the question, but he confessed that none of the reasons he had heard advanced in support of the Motion had any weight in inducing him to alter his opinion upon the point. He would, however, briefly refer to the opinions of the Judges who had been examined before the Committee, as the hon. Gentleman had stated that two or three of them were hostile to the continuance of the punishment of death. On this subject he would refer the hon. Gentleman to the ninth paragraph in the report of the Committee. He would there find it stated that the Committee scarcely found any difference of opinion upon the subject, and that almost all the authorities agreed that for offences of the gravest kind, the punishment of death ought to be retained. The chaplains of Pentonville and Newgate had expressed similar opinions in their last reports. It was said, however, that public opinion was altogether in favour of the punishment

being abolished. He denied that statement. The expressed opinion might be in favour of abolition, because, no doubt, it was easier to get up a meeting to ask for abolition, than one to say, "by all means let it be maintained." In cases of murder, however atrocious, there would never be found a single individual, or a body of individuals, to ask for the sentence to be carried into execution. Such a thing was happily never heard of, while it was well known that the law would be carried into effect; and therefore he asked the House not to be induced to believe, by petitions for abolition generally, or by the applications in individual cases, or by resolutions at public meetings, that the general feeling of the country was in favour of capital punishments being abolished. He had himself strong reasons to know that such was not the case; and he believed that great terror and dismay would be spread through the country if it were known that murder might be committed without death being inflicted as a punishment upon the criminal. For these reasons he should ask the House not to consent to the introduction of the Bill.

MR. BRIGHT: Sir, I am sensible of the difficulty which the right hon. Gentleman must have felt in attempting to address the House, after speaking upon it on several former occasions, and therefore I am not surprised that the right hon. Gentleman has given us another statement, almost another edition, of the speech, which I have more than once heard him deliver before; but I am disposed to think that notwithstanding the statement he has made to the contrary, the subject which we are now to discuss is gaining ground in the public mind, and though it should not at present make much progress in the House, out of the House numbers of men whose opinions are entitled to great weight, are of opinion that the time is come when capital punishment might be safely abolished. I am glad that the discussion has taken a turn which has not always been adopted by the House; I am glad that, so far, the question of statistics has been almost entirely let alone, and also the theological part of the argument; and I am quite certain that if no Member will introduce the statistical or theological branches of this question, Parliament will sooner, and with less difficulty, come to some final conclusion upon it. For the sake of argument I will not adopt

the proposition of the hon. Member for Montrose, that society has no right to take away human life. To bring the question to a more narrow issue, I will admit that society has the right; the question then will be, is it politic and expedient that capital punishment should continue? In discussing this question we are too much disposed to look at the past, because, putting men to death is an ancient custom, and has prevailed for thousands of years, and we have grown up in the belief that it would not be safe to abolish it. The right hon. Gentleman said that only one crime is punishable with death in this country. He must be aware that within the last ninety years, since the accession of George III., the criminal code of this country had increased to the number of not less than 240 capital offences. At the beginning of the reign of that monarch, about forty offences were punishable with death. It was found that this brutal system was erroneous, and it was within the last thirty years that capital offences have been brought down from the number of 240 to 1. For ninety years past, Parliament has followed no guiding principle upon this question; the Government and both Houses of Parliament have legislated in the dark, at one time hanging men for what they now get three months imprisonment, and making the laws sanguinary to a degree unknown to any barbarous nation on the earth. But let not Parliament suppose that, our fathers having wandered in the dark for the last hundred years, we have just now found conclusively that it is right and politic to inflict the punishment of death for this one offence. I should like to know whether we are less secure now than we were thirty or forty years ago, on account of the greater mildness of our punishments. The right hon. Gentleman has drawn a picture of what would happen if the death punishment were abolished; he might have drawn a more dreadful picture fifty years ago; and precisely the same picture he has drawn, has been constantly drawn at that table by the Gentleman occupying the position he now occupies. There is not the slightest reason for believing that we are not now, in our persons and property in this country, more secure than we were during the time these sanguinary punishments were so mercilessly inflicted. We have not only the experience of this country, but of other countries which never pursued the barbarous course which we had. I wish the right hon. Gentleman, when he speaks

on this subject next year, would acquaint himself with some particulars with regard to other countries to show that human life and property are less secure than they were when capital punishment was in vogue. We may point to many experiments. In Tuscany, Belgium, and Prussia, and I believe in the empire of Russia, capital punishments are practically abolished. In the State of Ohio, the third State of the American Union, a Bill for the abolition of capital punishment has received the assent of the Senate. The State of Michigan has abolished the penalty of death. In the State of Massachusetts, also, I have it from a Member of the Senate, there is every probability of the abolition of capital punishment being carried during the present year. But there are other cases—there is one remarkable case quoted by Sir J. Mackintosh, who was Chief Justice of Bombay for seven years, from 1804 to 1811. Sir J. Mackintosh, having mentioned the number of executions that had taken place previous to his arrival, goes on to say—

“During the seven years I have been in office, no execution took place, and this small experiment took place without any diminution of the safety of the lives and properties of the 200,000 inhabitants.”

The right hon. Gentleman argues that its abolition in this country would occasion crime. I want to know the grounds on which he makes that assertion. I want to know, if the abolition of capital punishment caused no increase of crime in Bombay, where the Christian religion is not influential in producing morality, why it should increase it in this country, which is not a heathen but a Christian nation? But I come now to the great question—does hanging deter from the commission of crime? I ask the attention of the House for a few moments while I recite a few facts having a bearing on this view of the question. The right hon. Gentleman knows that that part of the united kingdom which has given him and his predecessors the greatest pain in connexion with this question is Ireland, and that for many years past—as long, in fact, as the memory of man—public executions have been frequent in that country. I have two or three cases by me which prove clearly that any man who relies on capital punishment as a means of putting down murder, relies upon that which will not serve him, either in fact or argument. In 1844, at the spring assizes of Nenagh,

four men were hanged for murder. Such an execution taking place in a small town should, according to the right hon. Gentleman's argument, have produced a terrific sensation. But in a week another murder took place on the high road, close to the town. Within the six months following, there were in the immediate neighbourhood sixteen murders, and sixteen attempts to murder, and fifty-two cases of firing into dwelling-houses. I state this on the authority of the magistrates of the North Riding of Tipperary, and it fully proves that public executions have no effect in deterring from crime; for here four men were publicly executed together, and immediately following there was—not a decrease, but—an increase of crime. In 1846, there were three men hanged at Nenagh for conspiracy to murder; and I find from the newspaper reports that the bodies, having been given to the friends of the criminals, a procession took place on the following Sunday, and the funeral was received with every demonstration of respect by the people. But there was another case, occurring in 1843, in which a man, of the name of Moylan, was hanged, and it appeared that both his father and his grandfather had met with the same fate. They were all tenants on the estate of the late high sheriff of the county; and I state this remarkable and horrible fact on his authority. And, more, when this man was questioned about his impending fate, his answer was, "What matters it, in two moments all will be over." Another case occurred at the spring assizes at Limerick in this year, 1850. Two brothers, named Gavin, were hanged in that town, the one 17, and the other 19 years of age. They had murdered a man who had seized their father's goods for debt, and cast him into gaol, where he died. This was clearly a case of vindictive retaliation—one of those which the example of capital punishment was intended to prevent. Now, I have it on the authority of a gentleman who communicated with the priest who attended these young men on the scaffold, that they had lived next door to a man named Fogarty, who had been hanged at the previous Limerick assizes, and they told the priest that having seen Fogarty die so resigned, they were perfectly satisfied and willing to meet the same fate. This appears to me to be a case clearly proving that on the class on whom an influence is principally contemplated, capital punish-

ment has no effect. Take, again, the case of the poisonings which have been so frequent in England during the last few years. Nothing can be more horrible. I scarcely know or recollect anything in the long and dark catalogue of human crime more dreadful than the poisonings which have recently taken place in this country. But is there any proof, or any reason for thinking, that hanging these criminals has produced a salutary effect in deterring others from the crime? Look at the class of persons by whom it is committed: generally the most ignorant and insensible. Look at the causes which generally lead to this particular crime. Sometimes it is done from a sudden outbreak of temper, sometimes from an absorbing desire of acquiring money, sometimes from lust, and sometimes from jealousy; but I think that if we look at what is the general character of the population of our rural districts, where, I am sorry to say, the crime appears to prevail more than in towns, we must come to the conclusion that capital punishment is not likely to have upon them the effect which is intended by this House. But there is one view of this question which I think fatal to the argument of the right hon. Gentleman, and which was touched upon by my hon. Friend, and that is the extraordinary inequality of this punishment. The right hon. Gentleman says that all punishments are unavoidably uncertain, and that if we take the case of transportation or imprisonment we should find them uncertain, because they are subject to commutations and to inevitable accidents. No doubt about that; but that, I think, opens up another view of the question. If you sentence a man to transportation, you may, and you often do, reconsider and remit the sentence; but when you have hanged a man, he is beyond the power of chief secretaries or judges. The fact that you can never carry out even secondary punishments with certainty, is, in my mind, in itself a strong argument against capital punishment, which, besides killing a man, brands not only himself but his family with a stain which will never wear away. I want to bring this inequality strongly before this House, because I think this is the proper place to argue the question. But don't let it be supposed that I bring any charge against the right hon. Baronet the Secretary of State, because I know very well that, except, perhaps, the criminal himself, there is no man who feels more distressed at the occur-

rence of capital punishment than the right hon. Gentleman. Still, at the risk of giving him some pain, I must ask him and the House to listen to the cases which I am about to quote. On the 13th of August, 1849, Mary Ball was hanged at Coventry for poisoning her husband by putting arsenic in his gruel. The next case was that of Rebecca Smith, hanged at Devizes, on August 25, 1849, for poisoning her infant child. The next case was that of Charlotte Harris, who was not hanged, but who was found guilty on the charge of poisoning her husband. The right hon. Gentleman gave as a reason for the respite in that case, that the woman having been pregnant at the time of trial, was respited until the birth of the child, and that then to have hanged her would have failed of the good results generally expected from the example of executions. Take, again, the case of Mary Anne Hunt, who murdered her mistress, but, being pregnant, was saved. But she was not married; so it appears that a woman has only to commit one offence, and finding herself in the condition of pregnancy, may commit murder, and having been respited for six months, will be ultimately saved, because the right hon. Gentleman thinks that no good to public morals could result from her execution. I mean to say that this is not in accordance with any of those principles by which punishments ought to be influenced. It is playing fast and loose with the law—with this great question, and with the lives of those unfortunate criminals who happen to come within the influence of the law. The case I have mentioned just now, that of Mary Anne Hunt, has an exact parallel in that of Sarah Thomas, who was hanged at Bristol. There was no difference in their crimes. Both murdered their mistresses, and as it appeared, at least in the Bristol case, under the temptation of sudden anger; but one woman was hanged under the most awful and appalling circumstances, coaxed out of her cell by the clergyman, or dragged out by the policeman, brought out screaming to the scaffold, and executed before thousands of persons, while the other was respited, and ultimately had her sentence commuted. What difference was there between the two crimes? Nothing; but the difference in the punishment was enormous, between being put to death and not put to death—in fact, the greatest difference in the world. I will not dilate on the case of Annette Meyer, which has al-

ready been touched upon by my hon. Friend. I have reason to believe that the right hon. Gentleman would not defend the course he took at that time, although I upheld him in it, and think that he ought to have gone a step farther, and have come down to this House and asked it to allow him to commute the sentences of all persons, or to allow the law to be altered in as far as regarded the crime of murder. George III., who was looked upon by some people as an honest and just king, is reported to have exclaimed, when asked to pardon Dr. Dodd, "If I save Dr. Dodd, I have murdered the others." Well, the right hon. Gentleman has saved that one woman; what is to be said about the others? But such reasoning, although tolerable in the time of George III., would not do at the present time. The right hon. Gentleman did right to save that woman; but he should then have come down and asked for such changes in the law as would save him from the necessity of putting any person to death. But there is another and most important point in which this question must be viewed. Many persons are acquitted who ought to be convicted, and the fact of their being brought to trial for the crime of murder, brings about their acquittal, because it is beyond all doubt that of late years, while this question has been progressing in the public mind, many persons, not considering the guilt of the prisoner, but knowing that if he is convicted his fate may be the gallows, have in their capacity of jurors found a verdict of acquittal, while the evidence pointed to one of guilty. Juries often recommend to mercy, even when there are no grounds. The right hon. Gentleman is applied to; but Home Secretaries, like other men, are not always in the same humour or the same temper. ["Oh, oh!"] Why, if I was Home Secretary myself, I would say the same. There is no man, however wise or impartial he may be, who when called upon to decide such questions, is always in the same humour or the same temper; and the right hon. Gentleman himself, although he might possibly be more willing to sacrifice his own life rather than to give a wrong decision in a case of this kind, yet he will not deny that from our constitution, in fact, from the weakness of our human nature, no man is altogether free from influences such as I have described. The right hon. Gentleman says that my hon. Friend the Member for Montrose was wrong in saying that the Home Secretary

decides, and that the matter is a lottery whichever way it goes. He says that he refers it to the Judges, and very proper that he should do so; but there are twelve Judges on circuit, one going to one place, and one to another, and some of them are, or may be, what are commonly called hanging Judges. We have certainly known some Judges who were less favourable to capital punishments than others; and one can easily conceive that if the right hon. Gentleman makes his appeal to one of those Judges, the chances are ten to one more in favour of the prisoner, than if it were made to one of those Judges who uphold capital punishment. A Judge of the land once said to me when I was discussing with him this question, that we never should take the opinions of Judges on capital punishment, because that if we had, we should still be hanging for sheepstealing and forgery as we were a few years since. Judges are in fact the creatures of a system, and that which they have seen done at every assize, they think right and necessary, and that such should be continued. There is still another point which must be considered in looking at this question, that not only the guilty but sometimes the innocent are convicted and suffer. The right hon. Gentleman will bring to mind the case of Michael Howard, hanged at Limerick in September, 1847. This case came under the cognisance of the Lord Lieutenant of Ireland; and I believe that there is no man who takes more care and pains in examining into the cases. Howard was hanged in September, and died with calmness and resignation, declaring his innocence to the last. We are apt to suppose that none of these dying declarations of innocence are true; but I suspect that many more of them are true than those who have the execution of the law are willing to admit. However, to show that he was innocent, his cousin, Michael Howard, was convicted, in the spring of 1848, on the testimony of the same witnesses, who were then discovered to be perjurers. The discovery was fortunately made in time, and Howard was respited just two days before that fixed for his execution, and he was set at liberty by the Earl of Clarendon. But one man was hanged, and another was convicted, on this perjured evidence, and the latter was within two days of being hanged; but the witnesses, who were Crown witnesses, having been detected, the Earl of Clarendon, of course, suspended the execution, and ultimately set the pri-

soner at liberty. In the spring of 1850, several persons were convicted at Limerick of perjury and a conspiracy to convict the innocent. It is notorious that, under the difficulties which the Irish Government finds in getting evidence, even when the guilt is beyond doubt, they have employed witnesses of the most atrocious character; and it was on such testimony that the first Howard was hanged, and the second placed within two days of execution. Take another case, that of Anne Merritt, the woman recently convicted in London of poisoning her husband. The jury found her guilty, and the Judge sentenced her to be hanged, believing that the execution would take place. On what ground was she sentenced? On the opinion of a medical man, who appears to have given a rash or unscientific opinion, and which was afterwards strongly contradicted by the opinions of others of the same profession. In that case, the proof was at length so strong, not of her being innocent, but of her not having been proved guilty, that the right hon. Gentleman very properly commuted her sentence. What is to be done with her I do not know; but the case shows that capital punishment is most dangerous, because there are so many accidents that may affect the proof of guilt. Another case is that of Denny, convicted of the murder of his child in a hayloft, by stabbing it with a cobbler's awl. [Sir G. GREY: He was not hanged.] True, the right hon. Gentleman says he was not hanged, because it was proved that the child had not died from the cause imputed.

SIR G. GREY: That is not the case. The case was only supported by a single witness, and the Judge said that the verdict had been very unsatisfactory to him, and that an acquittal would have been much more satisfactory.

MR. BRIGHT: I took the case merely as I found it in the papers. It is quite clear that the man was tried, and that twelve men found him guilty, and there was not one word on the face of the proceedings to lead to the conclusion that the sentence would not be carried into effect. If, then, a man is to be tried and convicted on the evidence of a child of eight years old, and that in this case there had been a hanging Judge and a hanging Home Secretary, in all probability that man would have been hanged. I said early in the course of these observations, that we had no right to be guided by the past history of these transactions in this country, because we blun-

dered on from one case to 240 cases of capital offences, and now, in trying to find our way back, we are getting down to one capital offence again. But this question should be stripped of its traditions. Our Government has always been blind and ignorant in its treatment of criminals. Howard the philanthropist, writing in 1775, showed how much we were behind the people of other countries in this matter. Speaking of Amsterdam, he says—

“He learned with surprise that in the whole of that populous city there had not been a single execution for ten years preceding his inquiry, and that for a hundred years the average had not been more than one per annum. Amsterdam then had 250,000 population to London’s 750,000, yet in London executions had been frequent. Sir Theodore Janssen made a table, in 1772, showing that, in 23 years (1749–71), 794 persons were sentenced to death at the Old Bailey, of whom 678 were hanged, or 29½ per annum; the rest died in gaol, or were transported or pardoned. So in London there were ten times as many executions as in Amsterdam, allowing for difference of population.”

Now, I should like to know whether murder has been less frequent in England or Ireland than on the Continent of Europe, or in those States of America where capital punishment has not been thus recklessly inflicted. There is another case mentioned by Howard, to which I wish to draw the attention of the House. The right hon. Gentleman says that we have not shown him any secondary punishment. I think such a demand on his part is little less than childish. We have already found secondary punishment for 239 sorts of crime, and why should it be impossible to find one for the only capital crime that remains on the Statute-book? On this point Howard, writing in 1793, says—

“In Denmark he found that imprisonment for life, with annual whipping, which had been substituted for capital punishment, was dreaded more than death; and, since it was adopted, had greatly diminished the frequency of murder.”

Now, I am no advocate for flogging for slight offences, such as soldiers getting drunk and committing acts of slight insubordination; but if it should be adopted as a secondary punishment, and should have the effect of deterring from crime, I think it would be infinitely better than the horrible exhibitions that are every year offered to the people of this country. I trust we shall not be charged, as were the opponents of capital punishments in past times, with being actuated by a morbid sympathy for criminals. I have not the slightest sympathy that would lead me to wish them less punishment than was necessary

for the preservation of those who were not criminals. But it is this punishment that creates sympathy. You never have a man hanged who is not a hero with some portion of the population; and if he dies game, his memory is revered by his associates—the very class you wish to affect by capital punishments. We shall, perhaps, be told, that we are morbidly sensitive on this matter. It will be recollected that when in 1811 a Bill was brought into the House of Lords to abolish the punishment of death for robbery in a dwelling house, Lord Eldon solemnly warned their Lordships against “this spirit of newfangled legislation, this morbid humanity,” and drew a picture of evils, doubtless urging that no man could safely leave his great coat in the hall of his house unless men continued to be hanged for that offence—for that was the question then being discussed by what is called the Upper House of Legislation. Now I hold that the present defenders of capital punishment are the legitimate successors of Lord Eldon. I do not know what the right hon. Gentleman himself would have done had he been Secretary in 1811; but from the speech he has made to-night, I think he would have argued for the continuance of capital punishment for several offences on which it is not now inflicted, because every argument that can be used in favour of hanging for murder is equally strong in those cases in which capital punishment has been abolished. The present defenders of capital punishments would not now, perhaps, go as far as Lord Eldon, and make sheepstealing equally capital with murder. Why? Because murder is now the only offence for which death is the penalty. Public opinion has reached that point, and the statesman would be hooted who would ask to go back to the old system of hanging. But these Gentlemen say that Scripture is in favour of the punishment. That was precisely what was said by the opponents of former changes. But if you found that the punishment of death was not sufficient to deter people from stealing in a dwelling-house, or cutting down trees, I ask you, in the name of common sense, how you can expect it to deter from the crime of murder—a crime generally committed under circumstances which render the criminal insensible to all deterring influences? Reflect on the state of excitement under which such crimes are generally committed, and then ask yourselves is it likely that any consideration of punishment is likely, in

a majority of cases, to have a deterring influence? It is a delusion to suppose that any such considerations deter from crime; and it is high time that the Legislature should turn its attention to another portion of the subject, and try to stimulate the people to something good, rather than to horrify them by examples of capital punishment. I know precisely what course this question will take—precisely what has happened in other questions of a similar nature. We shall go on hanging people so long as people out of doors will submit to it. But the people do not appear to me to be so bound by what may have been done in the olden time as the official men in this House. They will by and by refuse verdicts, and I shall rejoice at such a result. I do not rejoice that men appointed to do a certain duty should abandon that duty; I regret that they should be placed in such a position; but, knowing how difficult it is to get official men and Parliament to take up this question, I fear that it is by the juries alone that the reform must be effected. When the punishment of death for lesser offences was under discussion, the late Sir F. Buxton declared that he himself knew of 1,200 cases in which juries had decided contrary to the facts; and then both Parliament and the Home Secretary took up the question. That is the course that will be taken in the present case; and I warn the Government and the Parliament to take it in hand before matters are pushed to such extremities. The right hon. Gentleman declares his opinion that it would create consternation throughout the country if the punishment of death were abolished. I should like to know on what grounds the right hon. Gentleman has founded that opinion. I refer the right hon. Gentleman to the case that happened at Glasgow, that of Margaret Hamilton, and I ask him what he thinks of the current of public opinion in that case? The prisoner was charged with poisoning her sister-in-law, and convicted. But what followed after? First of all, she was recommended to mercy by the jury, and memorials were sent to the Queen and the Home Secretary from two public meetings in Glasgow, from all the magistrates and sheriff of the county, and a second petition from the same, and then there was a petition from the women of Glasgow, signed among others by the lady of the Lord Provost, making in all six petitions from Glasgow, besides which there were petitions from Harleston, Chapclton, Prestonpans,

Lanark, Dundee, Bannockburn, Kirkaldy, Hawick, from the city of Perth, with 1,300 names, and from Edinburgh with 7,165 names. The Edinburgh petitioners said—

“That the jury, on bringing in the verdict, recommended the prisoner to mercy, and in this recommendation your petitioners would earnestly unite. Your petitioners have nothing to urge in extenuation of the prisoner's guilt; yet the increasing abhorrence of the Christian public to the infliction of the punishment of death, for any offence, as alike ineffectual in the prevention of crime, repugnant to the feelings of humanity, and condemned by the precepts of the Christian religion, are, in the opinion of your petitioners, sufficient grounds for soliciting Your Majesty's clemency. Your petitioners would further adduce the recent case of Charlotte Harris, of Taunton, whose life Your Majesty was graciously pleased to spare, when under sentence of death, for a crime equally great with that of the present prisoner, Margaret Lennox, or Hamilton.”

I do not know whether my hon. Friend detailed the horrible circumstances of the woman Hamilton's death, but I shall not expatiate on them further than to say that I believe she was insensible on the scaffold. There was there the clergyman and the Calcraft of Glasgow. I confess I never read these accounts of the clergyman and Calcraft performing on the same scaffold without feeling that if it were possible for the Apostles to witness such scenes, they would not recognise the clergyman as one of their descendants, or as a teacher of the religion which they taught. There is another case to which I wish to call the right hon. Gentleman's attention, the Cambridge case, in which a young man and woman were hanged very lately for poisoning the sister of the woman. Petitions for a respite were sent up, one with 812 signatures from the men, and one with 1,400 from the women, of Cambridge, the largest number of signatures ever known to a petition from that town. But a letter I have seen says, that each dissenting pulpit in the town, for two Sundays previously, bore honest and faithful testimony against death punishment. What does the right hon. Gentleman think of such a state of things? Does he think it right that the public should be long so much at issue with the Government or the Parliament? Why, Christianity, as preached in these chapels, is directly at variance with the policy which the right hon. Gentleman supports; and I should like to know how there can be reverence for the law when such a state of things exists in Cambridge, and, as I believe, in every other considerable town in Great Britain. It would be easy to show

that the idea that the infliction of the punishment of death deters persons from the commission of crime, is altogether fallacious. I have made out a table of dates of some of the principal crimes which have taken place lately, the result of which is some proof that no such effect takes place. I have taken the case of Rush at Norwich, that of Gleeson at Liverpool, and the Mannings in London. Now, I find that the trial of Rush commenced on March 29; there was great anxiety on the subject throughout every part of the country, and everybody was curious to know the issue, and there were speculations as to whether Rush would defend himself, how long the trial would last, and whether a man of such extraordinary character would be able to extricate himself from the difficulty in which his crime had placed him. The whole country was excited, and every newspaper had something to say each day in reference to "the murderer Rush." Well, at that very time, while the assizes were on at which he was to be tried, and on the very day before the trial—on the 28th of March, Gleeson committed a crime at least equal in atrocity to that which was charged against Rush. Again, the trial of Gleeson was fixed for the 22nd August. In like manner, we had long newspaper accounts of his state of mind, his appearance, his character, and his antecedents, and speculations as to what must be the feelings of Captain Heinrichson, on returning from his voyage, at finding that his wife and child had been murdered; yet while all this was exciting the public mind, the murder of O'Connor was perpetrated by the Mannings. So far, then, as the influence on the public mind of these exhibitions goes, it is undeniable that the trial of Rush had no favourable influence in deterring Gleeson; neither had the case of Gleeson any influence in deterring the Mannings. But, if it operated at all, it was with a contrary effect. It is the same with regard to murder as suicide. All writers agree that when an appalling suicide has been committed, it is often followed, and that very speedily, by others of a similar character. There is a class of persons who, from the peculiar constitution of their minds, are predisposed to such crimes; and amongst that class, the more you publish the fact of such crimes having been committed, the more you stimulate them to the commission of them themselves. I think I have satisfactorily shown to the House that the security of society is not less now than it was when scores

and hundreds of human beings were hanged yearly in Great Britain and Ireland; and that in other countries where the punishment of death has been practically abolished, no such results as the right hon. Gentleman expects from it here have followed. We spend 10,000,000*l.* annually and more, taking the Church of England and dissenting bodies together, in teaching the people morality and religion; and yet it is asserted by the right hon. Gentleman that notwithstanding that, and notwithstanding the proof that perfect safety has followed the change in other countries, the most dire results are to be apprehended were that change made here. Why, Sir, if, after all our efforts, and all the money we have spent to inculcate morality and religion in the minds of the people, we have got no further than this—if that which has succeeded in Bombay, in Tuscany, Russia, Prussia, Belgium, in the States of Ohio, and Michigan, and Massachusetts, would, in consequence of the immoral state of our population, be unsafe to attempt here, it would be better that we should save this enormous expenditure of 10,000,000*l.*, and try some other means of improving the morals of the people. I have shown that the inequality of the punishment is dangerous and fatal to an impartial administration of the law; and I believe if it were proved in the same way that a similar state of things existed in regard to any other part of the law, Parliament would immediately interfere. I will not go into the horrible details which have been brought forward to show how worse than useless public executions are, nor will I go into the question of whether private executions should be permitted—a question which the right hon. Gentleman has judiciously avoided; for I doubt if it would be possible to propose, much less to carry out private executions in this country. The right hon. Gentleman as Secretary of State defends capital punishments. I admit that capital punishments are the law, and as such he must, if he retain his office, carry out the duties of his office, and cause them to be inflicted; but I say that the right hon. Gentleman, holding the office he does, and expressing the opinions he has expressed, is himself the great hindrance to the abolition of capital punishments. If the right hon. Gentleman would say that he thought they might be dispensed with, I believe the House would gladly assent to a proposition for that purpose. I cannot, however, expect that he will, holding the opinions he has de-

clared to-night that he entertains; but the right hon. Gentleman has a much greater responsibility attaching to him in this matter, than attaches to me or any one else, for he is in a position to continue the law or abolish it. He must not "lay the flattering unction to his soul" that he can throw the responsibility on the law, or on his office, or on the Judges who administer the law. He cannot escape from his own personal and individual responsibility in the case. If capital punishments be really necessary and right in this country, and in the state of society in which we live, of course he is absolved; but, if it be proved, as it has been in regard to the 239 crimes in which the extreme penalty has been abolished, that it is not, then I say he is involved in an awful responsibility in maintaining a law for taking away human life when the necessity for it no longer exists. An able foreign writer says, "That none can govern wisely who are acquainted only with the inferior part of human nature." But that is the principle on which the Government acts. They would deter men from crime by the exhibition of that only which is terrible and brutal. I believe that is a course which never will deter men from crime. But if the right hon. Gentleman would take another course, his office would be relieved from a responsibility so great and so awful that I wonder how any man can dare to retain it. The moral feeling of the public would then be no longer outraged by these brutal exhibitions, and Christianity would be advanced. What you want to teach the people is, to regard human life as sacred, and that man should not lift up his hand against his fellow-man; but to teach them that, you must first take from before their eyes an action of the law which shows them that the law does not hold human life sacred. I have been informed that at the first execution at a town in Ireland 60 persons fainted; at the next spectacle of the kind only a few persons fainted; and that now, so accustomed are the people to the sight, it is witnessed almost without a shudder. If you wish to teach the people to reverence human life, you must first show them that you reverence it yourselves. An old English writer, Chaucer, says of his "Parson"—

"Christ's lore, and his Apostles twelve

He preached, but first he followed it himself."

And if we would teach men to reverence and respect the lives of their fellow men,

the first and most powerful step we could take would be to abandon the halter and the scaffold, and to practise the doctrine we would inculcate upon the people.

SIR G. GREY wished to remark, in order to prevent misunderstanding, that he had felt it to be his duty, as Secretary of State, in doubtful cases of fact and evidence, to refer to the Judge who presided at the trial; but he had never intended to imply that any degree of responsibility in reference to the execution of the sentence rested with the Judge. The whole and undivided responsibility of advising the Crown to assent to the execution of the sentence rested, with the Secretary of State.

MR. S. ADAIR said, he had the misfortune to differ from the Home Secretary on this question. The right hon. Gentleman had asked if the State was not justified in taking measures to preserve innumerable lives; but the complaint was, that the measures taken in that direction were not such as they could in conscience support. He believed it perfectly possible to devise a system of secondary punishments that should be adequate to the prevention of crime, and that the certainty of passing a lifetime in seclusion and penitence without the possibility of escape would deter from crime more effectually than the scaffold. He had heard it alleged as a reason against the abolition of capital punishment, that there would be a probability or possibility of the relaxation of punishment. It appeared to him that when the public were once satisfied that a punishment should be substituted for that of capital punishment, they would insist at the same time that it should become an understood and irrevocable practice that under no circumstances, failing the production of fresh evidence, should any alteration or commutation be permitted. During the last three years the average annual number of persons sentenced to death was in Scotland four; and in Ireland, excluding the memorable year of 1848, it was from 25 to 30. He was not aware on how many of that number the sentence of death was carried into execution, but he believed it was comparatively small—19 had been mentioned; but from what class were those criminals taken? He apprehended they were taken either from a class who had had the advantage of a high intellectual and moral education, but had set at nought that education so far as to commit deeds of blood; or they were

taken from a lower grade of society. It appeared to him that to the class of criminals who had had the advantage of education and intellectual training, the punishment of death had no terror. That was instanced in the case of the criminal Rush, whose atrocities were of the most frightful character; he, by some fearful perversion of mind, arrived at the certain belief that the change of existence which the scaffold brought to him would be the entry into glory in a happier state. There was a lower class of those criminals who in like manner were encouraged into a similar belief. He would allude to a case which occurred at Cambridge in the early part of this year, of a crime committed under circumstances of the greatest atrocity, and for which no sympathy was felt in the public mind. He observed with some surprise the state of mind into which the male criminal was brought in that case. The clergyman who attended him in his last moments produced such an effect upon the mind of the prisoner, that when he was about to be pinioned he declared that he would not be reprieved if any man would give him 10,000*l.* He (Mr. S. Adair) would not speculate on the sincerity of those feelings evinced by criminals in their last moments, but he thought the law would do well to put an end to those wretched and miserable exhibitions, a course which he firmly believed would in no degree tend to impair the security which the law should throw around the life of every subject.

Mr. EWART, in reply, would merely observe that his right hon. Friend the Home Secretary had been less happy than usual in meeting the Motion, not from want of ability, but from want of argument.

The House divided:—Ayes 40; Noes 46: Majority 46.

List of the AYES.

Adair, H. E.	Heyworth, L.
Adair, R. A. S.	Keating, R.
Alcock, T.	Kershaw, J.
Barnard, E. G.	King, hon. P. J. L.
Bright, J.	Lennard, T. B.
Brotherton, J.	Lushington, C.
Clay, J.	Milnes, R. M.
Cobbold, J. C.	Mowatt, F.
Cobden, R.	Nugent, Lord
Crawford, W. S.	O'Connor, F.
D'Eyncourt, rt. hon. C. T.	Pearson, C.
Duncan, G.	Pechell, Sir G. B.
Ellis, J.	Robartes, T. J. A.
Fagan, W.	Scholefield, W.
Fox, W. J.	Sidney, Ald.
Gibson, rt. hon. T. M.	Smith, J. B.
Harris, R.	Tancred, H. W.
Heywood, J.	Thompson, Col.

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TELLERS.
Ewart, W.
Hume, J.

List of the NOES.

Ashley, Lord	Heald, J.
Baines, rt. hon. M. T.	Henley, J. W.
Bellew, R. M.	Hope, A.
Bennet, P.	Howard, Lord E.
Blackall, S. W.	Howard, P. H.
Blair, S.	Lewis, G. C.
Bouverie, hon. E. P.	Martin, J.
Campbell, hon. W. F.	Morris, D.
Chatterton, Col.	Parker, J.
Cowper, hon. W. F.	Pugh, D.
Craig, Sir W. G.	Pusey, P.
Drummond, H.	Richards, R.
Dundas, G.	Romilly, Sir J.
Dundas, rt. hon. Sir D.	Seymour, Lord
Ebrington, Visct.	Somerville, rt. hon. Sir W.
Ferguson, Sir R. A.	Spooner, R.
Floyer, J.	Stafford, A.
Fordyce, A. D.	Wakley, T.
Fortescue, hon. J. W.	Wilson, J.
Frewen, C. H.	Wood, W. P.
Greene, T.	Yorke, hon. E. T.
Grey, rt. hon. Sir G.	
Gwyn, H.	TELLERS.
Halford, Sir H.	Hill, Lord M.
Hatchell, J.	Hayter, W. G.

THE CHARTER.

Mr. F. O'CONNOR then proceeded to bring forward the Motion of which he had given notice: That the House, recognising the great principle that labour is the source of all wealth—that the people are the only legitimate source of power—that the labourer should be the first partaker of the fruits of his own industry—that taxation without representation is tyranny, and should be resisted; and believing that the resources of the country would be best developed by laws made by representatives chosen by the labouring classes, in conjunction with those who live by other industrial pursuits—that, in recognition of the above great truths, the House adopts the principles embodied in the document entitled 'The People's Charter'—namely, annual elections, universal suffrage, vote by ballot, equal electoral districts, no property qualification, and payment of Members. He said, one way of putting an end to the crime of murder, which they had just been discussing, would be the placing our representative system on such a sound and satisfactory basis as that every person in the kingdom should be represented in that House. He begged to inform the House and the country, that however the opinions of the people on this question might be neglected now, simply because they were quiet when trade was good, as

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soon as that trade became bad, which would be at no distant period, the applications made to that House on the part of the people would meet with more attention than they did now, or than they had done on any former occasion. He admitted, with respect to the people of Ireland, that they attached no importance whatever to the Charter, or to any measure which that House passed for that country; but this was a period of calm in Ireland, and now was the very time for reconciling the people to the Government of the day, which it would be exceedingly difficult to do in times when trade became bad. In that House 195 Members sat for Ireland, representing 2,000,000 of population; Scotland returned 53 Members; whilst for England, representing no more than double the population of Ireland, they had 500 Members, being nearly five to one as to those who represented Ireland. He contended that the people of England were more enlightened, and more prepared now to receive the changes which he asked for than the people of any other country in the world. With respect to France, that country was not now a Republic, but a complete despotism. In France, at the present moment, the house of the President was surrounded day and night by soldiers with fixed bayonets; and the National Assembly, where the representatives of the people met to enact the laws, was always surrounded in like manner by soldiers with fixed bayonets, while that Assembly was sitting. France was now more of a despotic Power than it ever was before. Any newspaper, for instance, published in Paris, containing anything reflecting on the President, or the majority in the Assembly, was not allowed to pass free through the post. The House, therefore, had no right to look to France now as an instance why they should not give the people of this country greater power than they had at the present moment. He admitted his Motion was a kind of annual farce, constituted as the House was at present. In this country capital was the reigning monarch. The capitalists sitting behind the Ministry would support the Ministry in any measure which was antagonistic to the working classes. Did not that prove that the entire policy of the Ministry was based on the support they received from the capitalists of the country? This question interested every class of persons out of that House, and before he sat down some hon. Gentleman might perhaps get up and pro-

pose that the House be counted; but let him Mr. F. O'Connor inform hon. Members that the people outside had no confidence in that House. Formerly, when the Charter was propounded to the House, monster petitions were presented in its favour; but on this occasion, he rejoiced to say that not a single petition had been presented in its favour. His only object was to make the rich richer, and the poor rich. He could not understand the conduct of the protectionists in refusing their support to the Motion of the hon. Member for West Surrey the other night for the extension of the agricultural franchise. They were for placing all power in the hands of that class, and yet to a man they voted against it. Look at the result of the present system. The West Riding of Yorkshire, Dublin, Cork, and Bath, for instance, each returned one Tory and one Whig, and they would find that a House thus divided against itself could not stand. What he desired to see was, that the land should be cultivated according to the national requirements, and not according to political patronage; and he was convinced that if the Charter were to become the law of the land, they would cease to import agricultural produce, and, in fact, become an exporting country.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter before Nine o'clock.

HOUSE OF LORDS,

Friday, July 12, 1850.

MINUTES.] PUBLIC BILLS.—2^a Municipal Corporations (Ireland).

Reported.—Sheep and Cattle Contagious Disorders Prevention Continuance; Court of Chancery (Ireland).

3^a Court of Chancery; Metropolitan Interments; Parliamentary Voters (Ireland); Turnpike Roads (Ireland).

RAILWAYS ABANDONMENT BILL.

Commons' Amendments considered. Some Amendments agreed to.

LORD REDESDALE expressed his disapproval of an omission of a proviso in Clause 19, which declared that the Act should not release the company from liability to complete the purchase of land where the contract for purchase had been in part performed, or the price fixed and ascertained before the passing of the Act.

The noble Lord moved that the proviso be restored.

LORD GRANVILLE opposed the proposition of the noble Lord.

On Question, that their Lordships do agree to the Amendment of the Commons, their Lordships divided:—Content 34; Not-Content 38: Majority 4.

List of the CONTENTS.

Archbishop of Canterbury	Waldegrave
	BISHOPS.
DUKE.	Down
Norfolk	Manchester
MARQUESSSES.	BARONS.
Donegal	Byron
Lansdowne	Camoy
Westminster	Crowe
EARLS.	Cremorne
Beesborough	Colborne
Bruce	Dormer
Carlisle	Eddisbury
Cowper	Elphinstone
Fingall	Foley
Granville	Hatherton
Grey	Kinnaird
Minto	Langdale
Morley	Portman
Shaftesbury	Monteagle
Strafford	Wrottesley

Then a Committee was appointed to prepare reasons to be offered to the Commons at a Conference, for their Lordships disagreeing to the said Amendment.

PARLIAMENTARY VOTERS (IRELAND) BILL.

On the Motion of the MARQUESS of LANSDOWNE, this Bill was read 3^a.

On the Motion that the Bill do pass,

The MARQUESS of WESTMEATH said, he wished to say a few words before the Bill was passed. As a ground for the adoption of this measure, it was alleged that there was a dwindling away of the constituency of Ireland; but it was a remarkable thing that there was not a single petition presented to either House of Parliament urging that circumstance as a reason for the passing of this measure. He denied that the constituency had dwindled away, though the number of registered voters had decreased, because there had been a famine in Ireland. He thought that an 8*l*. franchise would be nothing more nor less than a pauper franchise, and he even thought with a 15*l*. qualification there still would be a pauper franchise. They had been threatened with the disapprobation of another assembly for raising the franchise to 15*l*.; but a threat of that kind would have no effect upon him.

Bill passed.

COUNTY COURT EXTENSION BILL.

LORD BEAUMONT moved that the House do now resolve itself into Committee.

LORD BROUGHAM said, he had already given their Lordships notice that he would propose certain amendments in this Bill, those amendments being for the purpose of restoring to the Bill the most material enactments of his Bill of 1833, but which were omitted in this Bill. One of these was the introduction of a clause, giving parties the liberty of going either before the Superior Courts or the County Courts, in cases where the amount was between 20*l*. and 50*l*.; another was to give the power of appeal on points of law; the third was the consent clause, allowing parties in any suit, to any amount, and of any description, to have their cause tried in the County Court, if both agreed that it should be so tried. Of course he approved the Bill when so amended; but he thought there was every reason why this important measure—the most important that had come before their Lordships for many years—should be sent before a Select Committee. It was a most important measure, inasmuch as, though 50*l*. was the maximum in the Bill, yet it included a vast amount of causes, for the average of all cases tried in England, Scotland, and Ireland, were for sums under 40*l*. He had once shown their Lordships that for the whole county palatine of Lancaster during the spring assizes of one particular year, the average in cases was for sums either of 15*l*. 16*s*., or 16*l*. 15*s*., he could not now remember which; and, therefore, he held that it was impossible to over-estimate the importance of the present measure. He might instance also the extreme interest which was felt on the subject throughout all the country. Never in all his Parliamentary experience had so many letters, besides the numerous petitions, been intrusted to him on any subject; and from various parties he had received numerous suggestions and amendments which he was requested to propose. Many of these referred to matters of detail, and required careful consideration—first, on account of their own merits; and, secondly, in order that it might be seen whether they did not interfere with other parts of the Bill. He had therefore come to the resolution of suggesting that their Lordships should not proceed further that day with the Bill, but should agree to send it before a Select Committee, where those clauses of the Bill

of 1833, which he proposed should be adopted, might be taken into full and deliberate consideration. He did not propose this Committee with the slightest intention of delaying the measure; for if he found that there was any intention of that kind, he would at once move that the Chairman report progress; and he gave this notice to whoever might intend to create delay in the Select Committee, that he would be the first to meet that attempt by moving that the Chairman report, and then let the House deal with the Bill in the best way it could. That, he thought, would be a guarantee to the public that this measure would not be delayed longer than was absolutely necessary to its efficiency. He was delighted to state to their Lordships—and he was sure they would all rejoice at the intelligence—that his noble and learned Friend Lord Lyndhurst, the author of the former County Court of 1845 Bill, was so far recovered after his late operation, that he would be able to attend in his place on Monday or Tuesday next, when they would have the great benefit of his advice on this measure. He believed he might say his noble and learned Friend approved of the measure, provided the amendments suggested were made. His noble and learned Friend (Lord Denman) was unable, from bad health, to attend in the House; but he was in communication with him on this subject, and but for the late Post Office alterations he might be able to receive and lay before their Lordships on Monday next a full statement of the doubts entertained by his noble and learned Friend, and the amendments he proposed, if any, beyond those he (Lord Brougham) had stated. But, at all events, on Tuesday he would be in possession of a communication from him embracing a statement of his views. He hoped they would also have the attendance of his noble Friend (Lord Wharnccliffe), who last year so ably and so industriously represented the great mercantile interest of the city of London on the important matters connected with the Bankrupt Law Amendment Bill. The noble and learned Lord then proposed that the Bill should be sent to a Select Committee.

LORD WHARFCLIFFE thought, that if their Lordships were certain there was sufficient time, it would be highly desirable to send the Bill before a Select Committee; but, unfortunately, at the present period of the Session, they could not

be without doubts on the subject. At the same time, he did not see that it would be necessary to have a very prolonged investigation, and, on the whole, he thought that such a course was likely to lead to an improvement of the measure.

LORD BEAUMONT said, that, believing the noble and learned Lord (Lord Brougham) to be a most sincere friend of the Bill, and that their Lordships generally were anxious that the Bill should go out in the most perfect form, he should be most reluctant to refuse his assent to the recommendation for sending the Bill to a Select Committee. But in agreeing to that suggestion there was this difficulty, that the House had already adopted the principle of the Bill, and alterations of a minor character only affecting the details, might be best effected in a committee upstairs. But the noble and learned Lord proposed three very important alterations in the Bill itself. One was, what the noble and learned Lord called the optional clause. Now he (Lord Beaumont) would consider it a very great improvement that if both parties agreed they should have the option of taking their case to the court above; and, therefore, he would not object to the introduction of a clause to that effect. The next clause suggested by the noble and learned Lord was to give the power of appeal from the County Courts on points of law but not of fact; and he (Lord Beaumont) would not object to the insertion of a clause giving a properly guarded right of appeal. But with respect to the other suggestion of the noble and learned Lord, based upon the provision of his own Bill of 1833, creating a concurrent jurisdiction in the Superior Courts as well as the Small Debts Courts, that suggestion it was that constituted his (Lord Beaumont's) main difficulty in assenting to send the Bill before a Select Committee, because, to establish a concurrent jurisdiction of that nature, would go directly to the destruction of the principle of this Bill, after the principle had been already affirmed by their Lordships. If the noble and learned Lord, however, would leave that clause to be considered in the House subsequently to the report of the Select Committee being brought up, so that a division of the House might be taken on the clause after the Committee upstairs had reported, he (Lord Beaumont) would accede to the Bill being sent to a Select Committee.

LORD BROUGHAM would have no ob-

jection to adopt this suggestion, and allow the clause to be deferred till the Select Committee had reported. However, he would just state that in the principle of the concurrent jurisdiction, he was supported by the opinions of all the law authorities, both in the House and out of it. Lord Lyndhurst, Lord Cottenham, Lord Denman, Lord Chief Justice Campbell, and other eminent authorities, all concurred with him in thinking such a provision indispensable to the proper working of the present measure.

LORD BEAUMONT, in assenting to the Bill going to a Select Committee, wished it to be thoroughly understood by the House that he gave his assent on the distinct understanding that it was not for the purpose of delay.

On Question, Amendment agreed to.
House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 12, 1850.

MINUTES.] NEW WRITS.—For *Devonport v. Sir John Romilly, Attorney General.*—For *Southampton v. Alexander James Edward Cockburn, Esq., Solicitor General.*—For *Tamworth, v. the Right Hon. Sir Robert Peel, Bart., deceased.*—For *Chester City, v. Sir J. Jervis, Chiltern Hundreds.*

1^a Highway Rates; Landlord and Tenants.

2^a General Board of Health (No. 2); Appointments to Offices, &c.; Bills of Exchange; Stock in Trade; Turnpike Acts Continuance, &c.; Upton cum Chalvey Marriages Validity.

3^a Court of Exchequer (Ireland); Incorporation of Boroughs Confirmation (No. 2).

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR D. NORREYS said, that this was an awkward time to go on with the Bill, as they had no opportunity of receiving the opinions of the boards of guardians on it. It would be much better if the Government had brought it forward earlier. He was anxious to get rid of the appointment of a new medical board to superintend the medical charities of Ireland. It might be said that it could not be called a separate board, as it was to be taken from the Poor Law Board; but it should be recollected that they vested it with separate powers, and it would be inevitably a separate board. He deprecated their paying any attention to the evidence given before Committees before the year 1847,

as, up to that time, the poor-law system was new, and little known before that year. This Bill, as it at present stood, would throw great expense upon the poor payers of the poor-rate, who would not have any control over it. It would also be very injurious to the poor, by giving them too easy facilities for medical relief. The best way to keep men in health, was to let them have no time to be ill. He thought that the least that should be done would be to postpone the Bill for another year. He should move the omission of such words as would suffice to raise the question as to whether or not there should be a separate board.

SIR W. SOMERVILLE said, that, in the first place, he disapproved of the doctrine, that the evidence which had been given before either House of Parliament should be deprecated. He believed that a more objectionable system than that of the medical charities in Ireland was not to be found. It was oppressive to the ratepayers, unfortunate as regarded the medical charge, and demoralising to the medical profession. His hon. Friend had proceeded upon a fallacy altogether; his hon. Friend had proposed to strike out those clauses of the Bill which established a separate board. There was no such thing. The board was composed of the Poor Law Commissioners and the medical gentlemen who were added to the board; it was a combined board, and was not, as the hon. Gentleman supposed, an exclusively medical board. He would state what he intended to propose in this clause. He would give the Lord Lieutenant power, by warrant under his hand, to appoint two persons who, with the assistant commissioners, should be commissioners of the board. He believed that if the House could pass this Bill, they would afford better relief to the sick poor in Ireland.

MR. MOORE hoped the House would not adopt the compromise. The proposition of his hon. Friend the Member for Mallow would absolutely destroy the most vital and necessary element of the success of the measure.

Amendment, by leave, withdrawn.

SIR R. FERGUSON moved an Amendment to provide that there should be one competent and responsible physician or surgeon upon the board instead of three, on the ground of expense. He believed there would be no lack of attendance on the part of respectable medical men at the meetings of the board.

SIR W. SOMERVILLE opposed the Amendment.

MR. CLEMENTS said, that the hon. Baronet contemplated the appointment of a man of the first eminence in his profession. He put it to the Committee, whether it was likely a man of eminence in his profession would have time to attend to the duties imposed.

The Committee divided:—Ayes 18; Noes 58: Majority 40.

Same Clause. Amendment proposed, page 1, line 9, after the words "physicians or surgeons," to insert the words "of not less than ten years' standing."

Question put, "That the proposed words be there inserted."

The Committee divided:—Ayes 27; Noes 50: Majority 23.

LORD NAAS then moved the addition of a proviso to the effect that the Poor Law Commissioners should be responsible for all the acts of the board.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 24; Noes 60: Majority 36.

House resumed.

Committee report progress.

CHARGES ON PORTUGUESE WINES SENT TO ENGLAND.

MR. ALDERMAN THOMPSON said, he wished to ask the noble Lord the Secretary for Foreign Affairs whether he had received any satisfactory answer from the Portuguese Government to the remonstrances of the importers of wine, the produce of Portugal, against the impost of 6*l.* per pipe levied upon wine exported to England, when sixpence the pipe only is imposed upon wine exported to America? The wine merchants of London had petitioned that House, and had complained that they were greatly aggrieved by those exactions, which checked the importation of wine to this country. He conceived the consumers of wine in this country had a right to be put upon the footing of the most favoured nations by Portugal. He was aware that the pretext for the continuance of these exactions was the decision of the Oporto Wine Company, which claimed some peculiar privileges with regard to the exportation of wine to England. It appeared this duty often amounted to 30, 40, or even 50 per cent on the cost of the wine.

VISCOUNT PALMERSTON replied that repeated communications had been made

to Baron Moncorvo on this subject, which was of very considerable importance to the British consumers of wine; but he was sorry to say that he was unable at present to state to the House that any satisfactory results had been arrived at from his communications with the Portuguese Government. There could be no doubt that this imposition of extra duty was not only injurious to the British consumer, but also to the Portuguese wine-grower. Not only the additional charge, but the very mode of classifying the wines for the British market, was productive of much injury; for only one-half of the descriptions of wines produced could be exported to this country. He could assure the hon. Member that Her Majesty's Government would not desist from making such representations to the Government of Portugal as they thought most likely to induce it to alter the present system.

THE CHARGE OF MR. BARON ALDERSON ON THE TRIAL OF PATE.

MR. G. THOMPSON said, that seeing the right hon. Gentleman the Secretary for the Home Department in his place, he wished to put some questions to him on a matter, as he conceived, vital to the character of the English Bench, and the administration of criminal justice in this country. In the report of the proceedings of the Central Criminal Court yesterday, on the trial of a person of the name of Pate, for a wanton and cowardly attack on Her Majesty, and who was found guilty without any recommendation to mercy, he found that Mr. Baron Alderson, who was the learned Judge who presided at the trial, had imputed to him the following words in passing sentence on the prisoner:—

"Considering who you are—the station in life you have filled—and the respectability of your connexions, it is not the intention of the court to inflict upon you, as we might have done, the disgraceful punishment of whipping, because we have some feeling of respect for you, even in your present miserable and unfortunate position. We do not wish to add to the disgrace of your family. We have some respect for you, though you had none for others."

It appeared to him that these were words of a very extraordinary nature, and he hoped almost unprecedented; for, if truly reported, they must seriously affect the character of one of the Judges, and the equal and just administration of the criminal law; he, therefore, trusted he might be allowed to put some questions on the

subject to the right hon. Gentleman. First, he wished to know whether the right hon. Baronet had seen the report of the words which he had read, and which were attributed to Mr. Baron Alderson? Also whether, if he had seen them, he had thought it his duty to communicate with Mr. Baron Alderson, with the view of ascertaining the accuracy of the report? And whether, in the event of the report proving to be accurate, the right hon. Baronet would consider it to be his duty to tender some advice to the Crown on the subject? He considered this subject affected the honour, the dignity, and the impartiality of the Bench, and calculated most seriously to affect that estimation and respect with which the people of this country have heretofore been accustomed to regard the administration of the criminal law within these realms.

SIR G. GREY replied that he had read the proceedings at the trial to which the hon. Member referred, and he had not felt it to be his duty to call upon the Judge for any explanation of what he said in passing sentence. He had not done so because he did not feel himself justified in calling upon any Judge of the land to give reasons for what he did, or to afford explanations as to his conduct in the exercise of his judicial functions.

MONUMENT TO SIR ROBERT PEEL.

LORD J. RUSSELL: Sir, in rising to move that the House resolve itself into Committee to consider an Address to be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that a monument be erected in the Collegiate Church of St. Peter's, Westminster, to the memory of the Right Hon. Sir Robert Peel, I do not intend to dwell on the political services or on the public character of the deceased statesman. I take it for granted that this House will be desirous to testify the sorrow it feels at the loss this country has sustained by the death of the right hon. Baronet. I take it for granted, because on the first notification of the melancholy event, the House spontaneously agreed to adjourn for the day. I take it for granted, because the feeling of regret which prevails on this subject throughout the country has been very general and very deeply felt and expressed, thus testifying the high estimation in which it held the services of Sir Robert Peel. I take it for granted, from the feeling which was obvious when I wished to

propose that a public funeral should be ordered for the purpose of showing the respect of this House to the memory of Sir Robert Peel, and from the fact that the observations which I then made appeared to meet with the unanimous concurrence of this House. I may also advert to the general sympathy of respect and esteem which has been manifested at this sudden and afflicting event not only in this country but in foreign countries, which is a remarkable demonstration that this calamity is considered not less a loss to other nations than to this country. I believe it is without precedent that the National Assembly of France should agree to enter on the minutes of its proceedings the words of its President expressive of its respect for the character, and its sorrow for the death, of a British statesman. Such, therefore, being the circumstances, known to all, patent to all, I cannot but believe that this House, the seat of his exertions, and which has so often witnessed the exercise of the great abilities with which he was endowed, will be anxious to place on record some permanent testimonial of their respect for his worth and talents. Taking this view of the subject, it remains to be considered in which way the testimony should be made. I adverted to a public funeral on a former occasion, but I did not persist, in consequence of what fell from the right hon. Gentleman the Member for the University of Cambridge, who was a near friend and coadjutor of the right hon. Baronet, who informed the House that Sir Robert Peel had left express directions that his funeral should be as private as circumstances would admit. Of course I cannot think, in the present instance, of proposing such acts as were adopted by this House to testify its respect on the death of Mr. Percival and of Mr. Canning, when this House agreed to make some provision for the families of those distinguished men, who had died in the public service. There remains only, as I conceive, the proposal of the erection of a public monument, by which we may show, or endeavour to show, the sense of the loss the country has sustained. Perhaps I may in this place state that Her Majesty, being anxious to show the sense which the Crown entertained of the services rendered by Sir Robert Peel to the Crown, desired me to inform Lady Peel that Her Majesty was anxious to bestow upon her the same rank as was bestowed on the widow of Mr. Canning. I received this day an answer to this offer on the part

of the Crown, which I immediately communicated to Her Majesty, in which Lady Peel says it is her own wish to bear no other name than that by which Sir Robert Peel was known. Lady Peel has also intimated that a specific direction was left for his family by the late Sir Robert Peel, in which he desires that no one of his family would receive any title or public reward in respect of any services which he might be supposed to have rendered the country. This was the stronger reason why this House should desire that some other testimonial should remain, by which this House might testify its feeling with respect to an event so sudden, and that a calamity so great should not be allowed to pass by without notice. I have already said that I did not mean to enter upon any question as to the public services of Sir Robert Peel, and I will not enter at this time into the nature of the measures with which his name is associated, as the mover, or of which he was the advocate. I think it far better to refer to the example which has recently been given under the Commission which was appointed by Her Majesty with the view of considering how far the fine arts might be made available for the adornment of the New Houses of Parliament. The Committee of this Commission, formed of persons of different political opinions, had to consider the eminent men in commemoration of whom statues should be erected, and among others, they determined that statues of Hampden and Lord Falkland should be placed in this building. If any one was disposed to open a discussion as to the merits of those great men, not only in their Parliamentary struggles in the House of Commons, but also in the contests in which they shed their blood, and died on the field of battle, no one could come to this House and say that both were deserving of the same distinction. But I imagine the Gentlemen who formed this Commission felt that they were both men of such splendid talents and such manly virtues as to adorn the age in which they lived; and however different their views, and however various their talents, they had both most at heart the love and welfare of their country. Let us not wait for a long period to elapse before we take occasion to do honour to the departed statesman. Let us do so now, not two centuries hence—as in the case of the honours to Hampden and Lord Falkland—not even ten, twenty, or thirty years from hence, but now, when every one agrees in the

desire to do honour to the memory of Sir Robert Peel. What I propose to do is to follow, with the exception of a pension, the precedent set on the occasion of the death of the Earl of Chatham. When the Earl of Chatham died, Colonel Barré proposed that a public funeral should take place to his honour; but a gentleman who was then in office in the Administration to which Lord Chatham was at that time opposed, gave it as his opinion that it would be better to have a monument to the memory of the Earl of Chatham. That suggestion was immediately adopted and assented to; and Lord North, the Prime Minister, came down to the House before the debate closed, and gave his concurrence. It is perhaps, rather a remarkable circumstance, as connected with that vote, that Colonel Barré, who moved it, had himself been at one time opposed as strongly as any politician could be to the opinions of the Earl of Chatham. There is also another remarkable circumstance, which I have from a noble Friend of mine, to the effect that when Colonel Barré was introduced to Lord Chatham, and made some apology for the severity of the language which he had upon occasions applied to him, the Earl of Chatham replied that he could easily forgive that, for he had himself applied most severe language in commenting upon the conduct of Sir Robert Walpole, to whom he was opposed in opinion at that time; and that he was far from resenting any freedom of language to which he might be exposed, if he thought it was sincere. I think that this anecdote, considering the character of Colonel Barré as the former opponent of the Earl of Chatham, does show that on occasions of this kind we should all endeavour rather to pause for a time, and forget that natural encounter upon which the welfare and interests of the country require us at other times to enter—that we should all recollect that the time when we assemble to do honour to the man who has devoted his talents to his country is not the time to consider particular opinions or particular measures, but rather the time when we should endeavour to show that we concur and participate in that general feeling of sorrow and regret which is felt by the great mass of the nation. I now move that this House resolve itself into Committee to take into consideration the resolution for an Address.

House in Committee.

Resolved—“That an humble Address be presented to Her Majesty, praying that Her Majesty

will give directions that a Monument be erected, in the Collegiate Church of St. Peter, Westminster, to the memory of the right hon. Sir Robert Peel, with an Inscription expressive of the Public sense of so great and irreparable a loss, and to assure Her Majesty that this House will make good the expenses attending the same."

House resumed.

Resolution to be reported on Monday next.

ROCHDALE SAVINGS BANK.

On the Order of the Day for going into Committee of Supply,

Mr. S. CRAWFORD, pursuant to notice, rose to call the attention of the House to petitions presented on behalf of the depositors in Rochdale Savings Bank, with reference to losses sustained by means of the defalcations of the late actuary of that bank, and to ask the Chancellor of the Exchequer whether he intends to propose any measure to Parliament for the relief of depositors who have suffered in such cases." The case of the petitioners was one of persons who depended on their daily toil for their daily bread, who, by the defalcation of an individual, had been deprived of the savings they had laid up for old age, or times of sickness or distress. They had invested their savings in full confidence that, as the money was deposited with Government, they had adequate security; but now they were met with the allegation that the Government was not responsible. The petitioners complained of the want of proper care and attention on the part of the Government to their interest, stating that the Commissioners had not required a sufficient guarantee for the safety of the funds, inasmuch as no bond or security had been asked from the officials of the bank, and thus that the depositors had been for some years actually without protection, they all the time believing that they had full and substantial security. Some benevolent persons had made a subscription, and 39,000*l.* had been paid, leaving a deficiency of 9,400*l.* due to these unfortunate depositors. The trustees had no responsibility either. That had been taken away by Act of Parliament; but the names of the trustees gave confidence to the people that their money was safe. One feature of this defalcation was, that the trustees of the Rochdale schools had commenced a system of depositing in this bank the savings they had induced their pupils to make. There was a precedent for making compensation in the case of the Exchequer-bill forgeries, in which

the deficiency had been made good; and if in such a case as that the Government acted thus, and compensated the sufferers, how could they act otherwise towards the depositors in this savings bank; how could they deny to the poor the justice they had awarded to the rich? It was contrary, moreover, to the public interest that depositors in savings banks should be deceived by the inducements held out to the poor to invest their savings, for those savings had become a most valuable element in the financial arrangements of the country. Various deputations had waited on the Chancellor of the Exchequer upon this subject, to represent the hardship to which they had been subjected, and he earnestly hoped the right hon. Gentleman would give some satisfactory answer to their representations, for they were suffering great anxiety as to the result, and in their petition they said that, although they were poor, they were the provident part of the poorer classes, who by forethought and prudence endeavoured to save a little independence. But no justice had been awarded to these poor sufferers. A Committee had been sitting, he believed, for two years on the Irish savings banks, and no report had yet been made. A private Member of the House had no power to propose a vote for the relief of these poor people, and he could only represent the case to the Government. For these reasons he appealed to the Government and to the Chancellor of the Exchequer, in the hope that that right hon. Gentleman would give some indication that he admitted the principle that these poor depositors should be relieved. He wished the right hon. Gentleman would say whether he would propose to Parliament any measure for that purpose. He appealed to his justice and his mercy to do so, and he trusted the right hon. Gentleman would not refuse his acquiescence in some measure of relief.

The CHANCELLOR OF THE EXCHEQUER said, that the subject was under examination before a Committee, and until the report of that Committee had been made, he was not prepared to say that he could introduce any measure of the kind alluded to by the hon. Member.

THE EXHIBITION OF 1851.

COLONEL SIBTHORP, pursuant to notice, rose to call the attention of the House to a copy of a letter from the Commissioners of Woods and Forests to the Lords

of the Treasury, on the subject of the ground appropriated for the site of the Exhibition. He entirely concurred in what he believed was becoming the general impression in the country, namely, that there never had been a greater humbug, a greater fraud, or a greater injustice, than this proposed Exhibition in 1851. Some measures, however, might yet be taken to throw the whole of it over. The replies given by the Government and the Attorney General to the questions that had been put on this subject, had been most evasive. Several trees had been already cut down in the park, to the great annoyance and injury of the public. He was ashamed to see a Royal Commission made literally a trickery by the Government to flatter and please the people, under the guise of a proposal from high authority, but really in order to draw off their attention from matters of greater importance. But he would endeavour, as far as his humble power allowed, to show up all these systematic plans of the Government. The letter he held in his hand stated that the Queen had given her consent that the Commissioners should take possession of the site; but they had been told by the Attorney General, some ten days ago, that he believed the Queen would give her consent, while it appeared, from the paper he held, that Her Majesty had already granted her assent to the possession of that site. The fact was, the whole proceedings connected with the selection of Hyde Park were a gross attack upon the rights of the public. The whole thing was a humbug from beginning to end. It was said that 60,000*l.* had been raised for the purpose of meeting the expenses; but he had been informed by an eminent architect, competent to form a sound judgment, that at least 240,000*l.* would be required. Who would have to pay this enormous sum? The foreigner? Why, he had no money. But the House had been told by a right hon. Gentleman that the working classes and labourers throughout the country were saving their shillings and their pence that they might be enabled to come up to London next year to see the Exhibition. He should like to know how much the labourers in the rural districts would be able to save; but, apart from that subject, he would ask the House who was to take care of their families whilst they were in London? The poor labourers were to come up to London, helter-skelter, where they would suddenly find themselves amidst

the temptations of a great metropolis—were they? What would become of the chastity and the modesty of those who might become the unsuspecting victims of those temptations? Perhaps the Commissioner would look after them. Then it was said that, by comparison with the productions of other countries, the taste and the energies of our own producers would be stimulated. This was mere trash. Foreign manufactures would be brought over here, cheap and nasty; and because they were cheap, and because they were foreign, they would be bought. But, in thus encouraging the foreigner, what would become of the different classes of our own mechanics, who earned their bread by the sweat of their brow? Why, they would have to succumb to the foreigner, not only temporarily, but permanently; because, such was the folly of people, orders which they should execute would be sent abroad. He objected, then, to the Exhibition, upon principle, and particularly upon the ground that it would destroy a park which was sacred to the recreations of the people. He hoped, therefore, that the injunction about to be applied for would be successful. If it were, the names of those who applied for it would be immortalised for having had the courage to put a stop to the delusion and the trickery of the Exhibition. England, he was confident, would rejoice at something having stepped in to prevent a transaction prejudicial to the country; and he called upon the people to unite in a general address to the Throne, praying Her Majesty, before it was too late, to stop a plan subversive of all regard for the true interests of the people.

ALLEGED PIRACY OFF BORNEO.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HUME rose to move the Address to Her Majesty of which he had given notice. He was sorry, at this period of the Session, to have to bring before the House a question which, in his opinion, interfered very much with the cause of humanity, and with the character of this country. It was to bring before them one of the most atrocious massacres that had ever taken place in his time. The question he wanted to submit to the House was, whether he should not have from Her Majesty's Government such papers as would elucidate the terrible massacre which had taken place on the coast of Borneo.

He had moved for them, he had applied to the various departments, and he was sorry to say that up to that moment he had not been able to obtain them. He held in his hand a despatch from Captain Farquhar, of the *Albatross*, detailing the proceedings adopted by certain of Her Majesty's ships for the purpose of intercepting certain of the natives therein designated pirates. He (Mr. Hume) had been anxious to hear what were Captain Farquhar's instructions; but neither at the Admiralty nor the Colonial Office had he been able to obtain any copy of the orders in pursuance of which 500 of the natives of Borneo had been destroyed by the fire of Her Majesty's ships, and 1,000 more afterwards by the boats. He thought it very extraordinary if such acts had been committed without instructions from head quarters. He was aware it had been stated that the attack was directed against pirates, and in the despatch the word was used thirty-two times; but he could not see in all the documents that had been produced, one single act of piracy that had been brought home to these unfortunate men. They had been massacred, it would seem, in cold blood, for only one man, as it appeared, had been killed on board Her Majesty's ships, and he accidentally shot himself. He wanted to know on what instructions this attack had been made. It could not be those of the commander on the station, for Sir T. Cochrane had ordered that no attacks should take place on alleged pirates. His complaint was that this razzia, as he might call it, had taken place without competent orders, or without sufficient proofs that the persons attacked were pirates. Indeed, there was great doubt whether our ships had not destroyed a portion of the royal navy of China, as it was reported that some of these vessels were then making terms of peace with the natives. It was distinctly laid down by Sir T. Cochrane that no persons should be attacked for alleged piracy, or executed, except after full and fair trial and conviction. Now what would the House say when they learned that on the 31st of July, 1848, and notwithstanding the distinct orders of Sir T. Cochrane, Captain Farquhar, acting under the orders of Sir James Brooke, made an attack on 2,500 of the natives in prahus, and brought away not a single individual alive to prove that the persons destroyed were pirates. It was true that after 500 had been killed by the fire of the ships, and 1,000 by the boats, some unfortunate

beings were picked up, but they were at once let loose and not taken before any tribunal, and up to this hour no satisfactory investigation had taken place. The only attempt made was a commission of inquiry issued by Sir C. Rawlinson; but that was directed to Sir James Brooke himself, and was not likely to have any satisfactory result. He (Mr. Hume) had used all diligence, and yet he could not get at the instructions under which this massacre had taken place, for which Captain Farquhar and his officers were to get about 20,000*l.* of the public money. He had heard from other sources that the orders came from Sir F. Collier, but he could not obtain a copy. He had been informed that Sir F. Collier had expressed his disapprobation of Captain Farquhar's proceedings, and had ordered that persons should not be attacked for alleged piracy; and he had been told that that had been struck out from the published despatches. He believed that Captain Farquhar had acted under Sir James Brooke's instructions; and he thought it strange that those instructions could not be obtained. He admitted that the parties attacked were out on a plundering expedition; but they were not plundering British property, nor should British men of war have been allowed to interfere. The position of Sir James Brooke was certainly anomalous. He was not on English ground, and yet he could command the services of Her Majesty's ships. The use he made of this authority would be appreciated by the following account given by Captain Vigors of the attack and massacre:—

"Trying as it was to the patience of all parties, we remained in position until the 31st, during which interval every precaution human foresight could suggest was adopted to ensure success. About half-past seven, p.m., we were engaged in a rubber of whist on board the *Nemesis*, and had almost abandoned all hope of surprising the enemy, when a spy-boat returned at best speed, with the long and anxiously-looked for intelligence that the piratical fleet had rounded Tanjong Siri, and was rapidly approaching our position. As yet it was, of course, uncertain for which river they would make. This question was, however, soon set at rest, and a brisk fire of rockets from the cutters, and of great and small guns from the remainder of the Rajah's force stationed at the entrance of the Kaluka, announced that the enemy had attempted to force that river, and had met with a warmer reception than they had anticipated. A rocket was now fired by the Rajah, and, on this preconcerted signal, Captain Farquhar moved round Banting Marron with the European force under his immediate command, to support the Rajah, if necessary, and also with a view to enclosing the enemy between two fires,

leaving, however, a strong native force at the mouth of the Sarebas, to intercept the pirates in case of their passing the European boats, and making for this their native river. Finding themselves foiled at the Kaluka, the enemy, gallantly followed by the two cutters and the Rajah's light skirmishing boats (which kept up a constant fire) put to sea, with the intention of running for the Batang Lupar; here, however, no doubt much to their surprise, they encountered Captain Farquhar's boats, and being saluted with round shot and rockets, they divided their force. They yet, however, preserved admirable order. Some returning to the Kaluka (still most judiciously guarded by the Rajah), renewed their attempt to enter, but with the like bad success; others, passing in shoal water inside Captain Farquhar, made for the Sarebas, and the remainder, having greater speed than his heavily laden boats, succeeded for the present in escaping to sea. The *Nemesis* had hitherto remained in the mouth of the Sarebas in position, but ready to move at a moment's notice to any point where her services might be required. She now acted her part, and that right nobly. Perceiving by the fire from Captain Farquhar's boats that the enemy had attempted to put to sea, Commander Wallago gave chase, and fell in with seventeen prahus which had succeeded in escaping Captain Farquhar, and were making in beautiful line for the Batang Lupar. When abeam we saluted them with grape and canister from our 32-pounders, raking the entire line, which we then broke, driving many of them on shore badly crippled, where they fell an easy prey to the Dyak boats, which, headed by Mr. Steel, of Sarawak, in the *Snake*, followed the *Nemesis*, but never interfered with her fire. We then pursued five others, and destroyed them in detail, passing round each and pouring in a constant fire of grape and canister, musketry, and rifles, until they drifted past us helpless logs, without a living being on board. That discharge of grape was a fearful sight, as at point-blank range it crashed over the sea, and through the devoted prahu, marking its track with the floating bodies of the dying, shattered prahu, planks, shields, and fragments of all sorts. I should have pitied them; but they were pirates, and the thought stole my heart."

He asked, was that proper employment for the ships and soldiers of the most civilised country in the world? Now, these people who were thus attacked and massacred were harmless and timid, having no arms but the blowpipe, and being terrified at the report of fire arms; but what he begged to fix on the attention of the House was that not one man had been brought away alive for the purpose of trial in a court of justice. Mr. Low, in his book, had notified to the harmless character of these people, and drawn a wide distinction between them and the Malays living on the opposite coast. At page 127, he said—

"The natives of the western coast of Borneo do not practise many of the vices for which their nation in general has become so famous. In their character they are a mild and quiet people, de-

void of the cunning and treachery of the natives of Sumatra, whom the dissolute inhabitants of the capital more nearly resemble. They are not, like the inhabitants of the piratical States, fond of desperate adventure; and not being possessed of a great share of physical courage, and their tastes inclining them to follow the more peaceful pursuits of trade, under a Government which will encourage commerce, they live happy and contented. Piracy, which is considered in Europe to be proper to the nature of every Malay, has never been carried on by the natives of the western coast of Borneo. It is true that formidable fleets were sent from Sambas, and that many ships were taken at Bruni; but the chiefs of both these towns, the inhabitants of which are by far the most dissolute on the island, were Illanons, or at least intimately connected with them. Though the pirates were encouraged by the rulers of the west coast, it does not appear that they have succeeded in inducing the natives of it themselves to go on piratical cruises. Piracy does not, therefore, appear to have been proper to the native inhabitants of the west coast of Borneo, though frequently carried on from its ports; at present the coast is annually infested by the fleets from the Sooloo Archipelago, which, leaving their own islands, situated on the north-east of Borneo, about the middle of the north-east monsoon, sail round the island with a fair wind, stretching across to the coasts of Java, Banca, Singapore, and the peninsula, and visiting all the islands in the way, attacking all the trading boats they meet, and carrying their crews into slavery, frequently landing and capturing the whole of the inhabitants of small villages. * * * Amongst the Sea Dyaks the practice of preserving the heads of their enemies, anciently instituted that they might be kept as memorials of triumph, has degenerated from its originally sufficiently barbarous intention into a passion for the possession of these horrid trophies, no matter how obtained. From this they (the Sea Dyaks) carried on war with their old enemies of Sakarran with various success, but were finally compelled, about ten years before the now era of Sarawak, again to decamp further westward, when they divided into three tribes, and settled in the villages they now occupy. * * * The passion for head hunting which now characterises these people was not formerly so deeply rooted in their character as it is at present, and many of the inhabitants of Sarawak have assured me that they well recollect the tribes first visiting the sea with that ostensible and avowed object. In a limited extent the custom is probably as ancient as their existence as a nation. * * * In March, 1846, a large fleet, led by Bulan, the war-chief of Sakarran, attacked the village of the Balow Dyaks, and killed thirty-five persons, though they had some Malays in the place, and one or two small guns, which were taken. The success which attended this expedition was on account of their having surprised the village when the men were all absent at the farms. During the past Session the Sambas and Sakarran Dyaks attacked one of the kampongs of Kalkeka, the next considerable river eastward from Sarebas, and in the government of the Dattu, Patengi, Abdulrahman, of Serkei, who, however, assisted by a force of the Kyans, who inhabit the interior of his country, so amply retaliated, that upwards of fifty of the people of Sarebas were killed or taken captive."

If our ships had attacked these Malays, there would have been some sense; but no, they had spared them, and massacred a harmless and timid race who fled from the report of a gun, and had no arms but a blowpipe. He had an estimate of their character from Sir James Brooke himself. In his Diary he said—

“The Sakarrans are fairer in complexion, superior in nature, and better made than any Dyaks I have seen; their countenances, too, are peculiar—features good, lips thin, and the eyes small and keen; their bodies are spare, and they bear the air of wild and independent people. Some of their prahus carried fifty men, and they plied the paddles with vigour and regularity. They are the most savage of the tribes, the Sarebas excepted, and delight in head-hunting and pillage, whether by sea or land; but those natives who are addicted to piracy and robbery, are exceptions to the general rule, though they come nearer to the account of the Dyak character given by travellers. By sea, the Sakarrans and Sarebas reckon all they fall in with as fair prize, and acknowledge no friends; but in their own waters, they are faithful to their agreements, hospitable, and, it is reported, kind to strangers; but I must not omit, they are held in detestation by all the other Dyaks, who, to stigmatise them, remark, ‘When you meet a Dyak with many rings in his ears, trust him not, for he is a bad man.’
• • • The spear and the sword comprise their weapons; they have no muskets or fire-arms, and never use the sumpitan. On one occasion a party went from the camp with a vow or determination not to return without procuring a head. They were ornamented highly, after their fashion, and proceeded with considerable show; but, after a week, they returned unsuccessful, looking starved and fagged, and their finery soiled by the life in the jungle.
• • • The Sarebas are by no means so warlike as the others, and from their great dread of fire-arms, may be kept in subjection by a comparatively small body of Malays. The sound of musketry or cannon was enough to put the whole body to flight; and when they did run, fully the half disappeared, returning to their own homes.”

He contended that to massacre these people was not only barbarous and inhuman, but it was inconsistent with the law of nations and of treaties. He thought he had said enough to show that some inquiry was necessary, and he hoped that the Government would direct their attention to the subject. He held that these so-called pirates had no more right to be hunted as they had been, and put to death, than he had, for though they had been carrying on war against other tribes in the same islands, they had done nothing to justify their being proceeded against as pirates. The hon. Gentleman the Member for West Surrey had alluded on a former occasion to Mr. Wise. [MR. DRUMMOND: I did not name him.] Mr. Wise was a political agent, and when he saw the accounts in

the newspapers on this subject, he was astonished. He wrote to the noble Lord at the head of the Government; but though that letter had been asked for, it had not been produced. He also wrote to Sir R. Peel, with whom much correspondence took place on the subject of the settlement of the Island of Labuan, and this was the answer of that eminent statesman:—

“Whitehall, Nov. 28, 1849.

“Sir—I thank you for the communication with which you have favoured me. I trust that Her Majesty’s Government will feel it to be their imperative duty to make an immediate and complete inquiry into those circumstances which have induced you to address yourself to the First Lord of the Treasury. I read with great pain the account of the transactions to which you refer, but shall suspend a final judgment upon the proceedings adopted by Sir James Brooke against some of the Dyaks in Borneo, until further explanations with regard to them be given.—I am, Sir, your obedient servant,

(Signed) “R. PEEL.

“Henry Wise, Esq., 34, Cornhill.”

He had waited in vain to obtain the despatches under which Captain Farquhar acted; and as far as they had as yet any information, there was nothing to show that he had not acted without orders. He held, that without any proofs of acts of piracy, from 1,000 to 2,000 people had been destroyed, and that not only on board their prahus, but they had been followed up the rivers and hunted to death at their own hearths. Sir James Brooke, without any right that he could understand, had been in the habit of carrying on these razzias upon an unoffending people since 1843; and he (Mr. Hume) felt bound to avail himself of every opportunity of protesting against such proceedings on the part of any representative of this country. If these prahus had interfered with our commerce, or attacked our vessels, he could understand that there might have been some justification for the course Sir James Brooke had taken; but thus to follow up and destroy a people who were afraid of the sound of fire-arms, reflected anything but honour to this country.

Amendment proposed—

“To leave out from the word ‘That’ to the end of the Question, in order to add the words ‘an humble Address be presented to Her Majesty, to appoint a Royal Commission to inquire into the causes which led, since the year 1841, to the employment of the Naval and Military forces of Her Majesty and the Honourable East India Company on the North Western Coast of the Island of Borneo, and which resulted in a heavy loss of life on the part of certain native tribes of that island,

called Serrebes and Sakarrans, alleged to be pirates," instead thereof.

Mr. CORDEN seconded the Motion.

Mr. PLOWDEN: It is always with much reluctance I venture to present myself to the notice of the House, for I feel that all its indulgence is requisite, when I attempt to address it; but I should not be discharging my public duty were I to be deterred by private considerations from communicating to the House the information which my own experience and practical observation enables me to convey on the subject now under consideration; and I deem this duty the more incumbent upon me when I hear an honourable and gallant profession stigmatised and charged with murder; and the character of a distinguished individual calumniated as the willing advocate of deeds of atrocity and bloodshed, and the abettor of the most cruel massacre. Sir, this House will, I feel assured, do ample justice to this honourable much-injured man, whose patriotic zeal, disinterested enterprise, and laudable desire to extend the commercial interests and the civilisation of Great Britain may justly entitle him to be considered as one of the greatest benefactors to his country. I entertain no doubt, also, that a British House of Commons will justly appreciate the value of the calumnies and disgraceful charges made by certain hon. Members on the opposite side of the House upon that brave, gallant, and distinguished profession whom they have had the good taste to brand with the epithet of murderers. In the several voyages I have made to the East, and to China, I have traversed nearly the whole of the Eastern Archipelago, the Straits of Malacca, of Sunda, of Banca, of Gaspar, of Macassar, the Soloo and Celebes seas, and the adjacent coast of Borneo; and I venture to assure the House that the whole of these seas are more or less infested with pirates of the most sanguinary and cruel description; and that nothing but the fear of European power, or the want of opportunity, would deter them from attacking vessels, and, if successful, of practising the most barbarous atrocities upon their victims. It is true that the ships I have sailed in have been of too large a size, and of too formidable a description, to warrant any overt attack from these daring freebooters; but it was even necessary to be on the look-out, well prepared and guarded against their desperate attempts; and if by any

accident, in that most intricate and dangerous navigation of the seas and straits I have referred to, a ship should be thrown on shore, or on the coral reefs which abound there, these cruel pirates would soon be gathered together like mice for the slaughter of the unfortunate mariner, and the plunder and spoliation of his property. Such was the case with Her Majesty's frigate *Alceste* in 1816; and such would and ever has been the case of every other vessel so unhappily situated. I may be told that such men or pirates as I describe, were not the Dyaks, against whom Sir James Brooke proceeded. I answer, how can hon. Members sitting here prove that? I verily and conscientiously believe that Sir J. Brooke's character is too humane, just, and honourable, to justify the charge of his attacking innocent unoffending men; and that he is utterly incapable of the acts attributed to him; but if proof is necessary on this subject, hon. Members will find it in the papers laid on the table of the House. We find in these papers Sir J. Brooke indignantly repudiating the charge, in his letter to the noble Lord the Secretary for Foreign Affairs; we find the Sultan of Bruni appealing to Sir J. Brooke against those very Dyaks of Sarabab and Sakarran; the Pangeruce Macota doing the same; the depositions of sundry Malays attesting to the piratical doings of these same Dyaks; and, finally, the address of the principal merchants and inhabitants of Singapore, thanking Sir J. Brooke for his vigorous measures against these Bornean pirates, and deprecating the attacks recently made on his character, for the public measures he had adopted for the suppression of piracy; but if the House desire to have any further proof, I will, with its permission, read an extract from a paper of great circulation in India, which will give the House some idea of the opinions entertained by the press in that country on this subject, which I apprehend it will not be very gratifying for hon. Gentlemen opposite to hear:—

"A feeling of universal and unmitigated disgust has been created throughout India by the intelligence that the Aborigines Protection Society and the "friends of humanity" in England, have been endeavouring to get up an outcry, on the score of benevolence, against Sir James Brooke, for the well-merited chastisement he has inflicted on the Borneo pirates. Among those in this country who are well acquainted with our Eastern empire, and the duties we have to perform, there is but one opinion on this subject: the act which is now represented as so atrocious, is considered not

only laudable, but meritorious. These hereditary and predestinated villains, the avowed enemies of human intercourse, have destroyed the peaceful occupations of industry on that coast, and spread desolation and death among its inhabitants. As soon as British influence had been established in that vicinity, it became our first and paramount duty to annihilate these nests of pirates, and to read the piratical community a lesson, which neither they nor their children were likely to forget. This is our especial vocation in the East, and we have pursued it with vigour and gratifying success in every quarter; we have extinguished piracy in the Persian gulf, and we are now employed on the same mission of humanity on the coast of China and Borneo. We are the paramount naval Power in Asia, and the various tribes who navigate its seas look to us for that protection which we alone can afford them; and it would be a dastardly dereliction of duty if we were to hesitate for a moment to afford it. There is no part of the East to which our influence does not extend, no sea which our navies, warlike or mercantile, do not visit. We are the great Maritime Police of the eastern hemisphere, and on us devolves the important duty of maintaining the peace, and of punishing crime. Where could we find a more appropriate sphere for the beneficial exercise of our power, than in the Eastern Archipelago, which the pirates have so long considered their own especial patrimony? On the present occasion our duty has been effectually and nobly performed by the signal chastisement inflicted on these brigands; but instead of crowning the author of this blessing with a wreath of laurel, our patriots at home are menacing him with a prosecution. Is this British humanity, thus to weaken the hands, and discourage the energy, of those who have now for the first time restored freedom to commercial enterprises on the coast of Borneo? The predatory habits of these wretches have, it is true, received a severe check by this salutary visitation; but those habits are not likely to be extinguished by a single reverse. Nothing but a continuous dread of consequences; a conviction of the ubiquity—so to speak—of retribution, will be sufficient to eradicate them. Any relaxation on our part will give fresh heart to the pirates, and again fill the rivers and creeks and the coasts with their buccaneering fleets. Are our officers and seamen to be deterred from the performance of this duty by the taunts and calumnies of men who arrogate to themselves the character of philanthropists?"

I could multiply extracts on this subject from other works, but hardly consider it necessary. Now, Sir, after hearing these extracts, can there be any doubt about the matter? Will hon. Members for a moment hesitate in believing that if civilisation is to be spread, the arts of peace cultivated, and the extension of commerce promoted by our fellow-countrymen, in this part of the world, that the first step towards so desirable and praiseworthy an object will be, to put down, by the strong arm of power, these piratical tribes, and thereby to give peace and security to the great mass of the inno-

cent and well-disposed natives? Away, then, with the morbid sentimentality that designates such a work as massacre! Away, I say, with the hypocritical cant which, while it pretends, by exaggerated and incorrect statements, to inculcate peace, is inoculating the mind and sympathies of England with the worst impressions against men who are discharging a stern but necessary duty, the object and end of which is to promote the civilisation, the happiness, the peace, and the prosperity of their fellow men.

MR. DRUMMOND had never seen Sir James Brooke, but when he heard the attacks upon him he was greatly surprised; and an hon. Gentleman opposite having expressed a wish that he should look into the subject, he had done so, with what result the House should hear. It appeared to be denied by hon. Members opposite that these natives were pirates at all. Now, all the authorities concurred in saying that the people of all these seas were nothing but pirates, and never had been anything but pirates. But, as hon. Members opposite cared little for the authorities on this point, he wished to remind them that the Chambers of Commerce at Manchester and Glasgow had never left off teasing the Government until they had established these two settlements. [MR. HUME: Hear, hear!] He begged pardon; don't let the hon. Member be rash: the impetuosity of youth was very great. These commercial bodies especially asked for the establishment of these settlements, on the ground that they were necessary to suppress piracy in those seas where it was now said by hon. Gentlemen opposite there was no piracy at all. The Manchester Chamber of Commerce declared that the settlement at Labuan would be a terror to the pirates; and the Manchester Commercial Association followed in the same strain, representing that Labuan would be a commanding point for the suppression of piracy. The Glasgow Chamber of Commerce spoke of the necessity of occupying Labuan in order to suppress the Malay pirates. The Glasgow East India Association declared that measures ought to be taken for the suppression of the piracy that had so long prevailed in those seas. [Hear, hear!] Oh! they admitted now, did they, that piracy did exist in these seas? The London and Liverpool East India Associations made the same representations. It had been said that Mr. Wise had seen reason to change his opinion of Sir J. Brooke; but he would

show that Sir J. Brooke had discarded Mr. Wise long before that, and that this circumstance was at the bottom of the whole story. It was necessary the House should bear in mind that everything done by Sir J. Brooke in the suppression of piracy was in virtue of a treaty. The third article of the treaty with the Sultan of Borneo distinctly stated that in consideration of the cession of Labuan, the English Government engaged to suppress piracy, the Sultan and the chiefs affording them every facility therein. It was said that these persons were not committing any piratical acts; but the answer to that assertion was, that the Judge before whom the case was tried, remitted the hearing because there was not evidence enough. Witnesses were then brought who were parties in the expedition, and who confessed that they were engaged in piratical acts at the time. Now, the hon. Gentleman the Member for Montrose said that the House ought to believe him, and not the parties who were engaged in these acts. He had received for his perusal the journal of a boy who was engaged in the expedition against these pirates, and which went to establish the same facts. But then they were told that it was cruel to attack these people with 9-pounders. But if they were pirates it was right to destroy them, and so much the better if they had been 24-pounders. It was Mr. Wise who was the real author and instigator of this Aborigines Protection Society, and who had got up this public company that Sir J. Brooke blew up. And that was the cause of the antipathy of the hon. Member for Glasgow. He (Mr. Wise) had teased Sir J. Brooke from beginning to end of their connexion in order to draw him into a commercial speculation. But Sir J. Brooke continually refused, and the real charge against him was that he could not be brought into the scheme. They wished to get possession of the whole territory that was ceded.

Mr. MACGREGOR: I rise to order. The hon. Member for West Surrey has linked my name with Sir J. Brooke, with whom I never had the smallest connexion.

Mr. SPEAKER: The hon. Member will have an opportunity of replying afterwards.

Mr. DRUMMOND had before him the prospectus of this "Eastern Archipelago Company," in which the names of the directors were printed in Saxon characters; and here, in double Roman capitals, was the name of "John M'Gregor, Esq.,

M.P., chairman." He had before him the letters of Mr. Wise to Sir J. Brooke, who was Sir James's agent for a time. Mr. Wise, in these letters wrote to Sir J. (then Mr.) Brooke, to say that he hoped to obtain a baronetcy for him, in acknowledgment of his efforts in the cause of civilisation. Mr. Wise was indefatigable in endeavouring to tempt Mr. Brooke to engage in commercial speculations, which Mr. Brooke felt to be incompatible with his habits, with his objects in settling there, and with his duty to the Government at home. In one of Mr. Wise's letters, he said there would be no limit to Mr. Brooke's gains if he could get the fee-simple of Sarawak assigned to him, but that he perceived his reasons for steering clear of partnership transactions. These letters were written before July, 1844. In 1845, it appeared that Mr. Wise "commenced proceedings for the establishment of the Borneo Company." Was he (Mr. Drummond) right or wrong when he said that to this gentleman was to be attributed the whole origin of that company? But he did more. Captain Keppel, it appeared, published a book containing an account of his operations on the coast of Borneo, and off went this indefatigable Mr. Wise to the publisher, got hold of the work, suppressed the first volume altogether, and, put forth some writings of his own instead, which would go to the world as the work of Captain Keppel. What he wanted to impress on the House was this—that Mr. Wise throughout endeavoured to hook Sir James Brooke into a partnership, and that the latter steadily refused to be led into any such project. [The hon. Member then read extracts, at considerable length, from the letters of Mr. Wise to Sir J. Brooke, in which the advantages of a commercial alliance were strongly insisted on, and great stress laid on the personal attachment of the writer to the Rajah.] In fact, every attempt had been made to get Sir James Brooke to act as the agent of this company; and on his refusing to do so, they had used every effort to malign his conduct and character. Mr. Wise continued to say, that if he had not stopped the first edition of Keppel's book, and the correspondence with the Foreign Office, he doubted if Mr. Brooke would have been in his present high position, and that the assurance he had given that the company should receive every support he could "lawfully" afford them, had been laid before the board, and was fully appreciated.

He (Mr. Drummond) thought the House had heard enough of Mr. Wise, and of his assiduity. It was not a pleasant office at any time to expose misconduct, and he should turn with pleasure to the much more grateful task of showing to the Government and to the country the real sentiments of the man they had employed, to prove to them how worthy he was of their confidence—to satisfy them what a noble public servant they had got—and to encourage the Government to repel the slanders which had been heaped upon him. After the prospectus of the Eastern Archipelago Company had been actually published, Sir J. Brooke wrote to Mr. Wise to say he had just seen it, and that he thought it right to remind Mr. Wyse that he (Sir J. Brooke) had told him there was no part of the country in which there was security for life and property except in Sarawak; and that, as to the third paragraph of the prospectus, it would give people to understand that the Sultan of Borneo had given the company the exclusive right of working the coal mines for 150 miles, whereas he had merely given them the right to work the mines, and did not at all justify them in infringing on the rights of the owners of the soil. Sir J. Brooke concluded by expressing his belief that his refusal to join the company would be found not only of great advantage to their interests, but to his own good name. He thought he had said enough to show that the Government had a most valuable servant in Sir J. Brooke; that they could not intrust their business to a more faithful and honest man. But this indefatigable Mr. Wise, understanding what a country this was for humbug, and seeing how easy it was to work on the feelings of the pious, said, after some reference to the instability of the then Administration, and some complaint of systematic shuffling on the part of the Government in being handed over from one department to another, that he was convinced their only chance was in their own exertions, and in organising an agitation on the Manchester plan; that he was considering the best means of doing so; and that, aided by the press and Members of both Houses of Parliament, as well as by rousing the apathy of the religious world, the Government would be compelled to bestir themselves. He added, that he was now “stirring up the Philanthropic Societies,” and urged that no element of agitation should be allowed to lie dormant, and that all parties and all creeds should

partake of the proposed movement. Accordingly, out came a thundering prospectus from the Peace and Aborigines Protection Societies, stating that the Dyaks were never known as pirates till Sir J. Brooke described them as such. Mr. James Bell, treasurer of the Aborigines Protection Society, had written a letter, in which it was said the movement against Sir J. Brooke originated solely with the Peace and Aborigines Protection Societies. That was what was called a religious society. A clever and able agent, so long as he was the faithful agent of Sir James Brooke, Mr. Wise, was as indefatigable in the line he had since taken. It had been shown that he was at the bottom of the Peace and Aborigines Protection Societies' movements; that he had supplied every particle of the information on which hon. Gentlemen opposite relied: a proof that—

“Death has no pangs like love to hatred turned,
Nor hell a fury like a ‘traitor’ spurned.”

MR. MACGREGOR begged to explain, in reference to his connexion with the Eastern Archipelago Association, and said, he had only consented to act as chairman, on the understanding that it was confined to working the coal in Labuan. The directors had studiously confined themselves to this object, and had not allowed the company to be committed in any way with regard to Sir J. Brooke. The company had always been able to meet their engagements, and held a sufficient balance at their bankers'. The hon. Member for West Surrey had done the company and himself an injustice by connecting them with the attacks on Sir J. Brooke.

MR. B. COCHRANE thought that, after the speech of the hon. Member for West Surrey, the character of Sir J. Brooke required no further vindication. He had the honour of Sir J. Brooke's personal acquaintance, and he could say, that those who had long known Sir James Brooke bore testimony to the high, noble, chivalrous, honourable character of that most distinguished gentleman. It was painful to observe how the character of a man who desired to carry out the most philanthropic views, and to act justly towards all those subject to his government, after a long exile from his native country, was assailed in that House. A most important attack on the pirates was made some years ago by Sir T. Cochrane. Did not some of those Gentlemen who now reproached Sir J. Brooke act a very different part when,

after an absence of nine years, he returned to England, when he was so enthusiastically received, and when every honour was bestowed upon him? There was not a whisper of accusation against him at that time by these Gentlemen, who allowed him to be appointed to a most important post, and waited till he was at a distance from England before bringing any charges against him. But if Sir J. Brooke's attack on the pirates was outrageous, Sir T. Cochrane's attack was equally outrageous, though it had been quoted to prove the barbarity of Sir J. Brooke in comparison. By the treaty of 1824, between the Governments of England and of the Netherlands, this country bound itself to do what it could to put down piracy in the Eastern Archipelago. From the instructions given to Sir F. Collier and the other admirals who had commanded in the Eastern Archipelago, it appeared that the object of stationing ships in the Malayan Sea and on the coast of China was to suppress piracy. When Sir T. Cochrane and Sir W. Parker held the command, Sir J. Brooke having become Rajah of Sarawak, it became a question with the admirals, whether they should not recommend the Government to put him in possession of the whole country. The Sultan of Borneo had proved himself so treacherous, that they were led to entertain that idea. Hon. Gentlemen talked of Sir J. Brooke having proved himself inhuman; but when they used such language as, that the British troops had covered themselves with eternal disgrace, that Sir J. Brooke was influenced by the desire to plunder, might it not be suggested that there was another kind of inhumanity, which was exemplified in an attack made on persons in their absence? He hoped that the gentlemen of the Peace Society would be deterred by a sense of justice from repeating such imputations as had been cast on Sir J. Brooke by Members of that House, relying on the information they had received, and acting in error.

COLONEL THOMPSON would have been tempted long ago, had it been consistent with the forms of the House, to say to hon. Gentlemen opposite, in words which were not entirely his own, "Enough; you have convinced me there is not an atom of proof that these men were pirates." Everything that had been done, and everything that had been undone, had gone to establish the certainty of that fact. Everything had been talked about, except the question brought by the hon.

Member for Montrose before the House. No proof had been given, when, where, on whom, or how, these men had committed any act which British statesmen or British commanders had a right to class with piracy. The one thing palpable was, that the men whose blood this country paid for were not pirates; were not proved to be so, and because there was no proof brought in a case so easy of proof, it followed that not only was it not proved they were pirates, but it was proved they were not pirates. How many years was it since general acts of plunder might have been spoken of as committed on the coast of Cornwall? But that did not constitute piracy. Where were the acts of piracy committed? Nobody knew, nobody could tell; and it was most certain they would tell if they knew. When were they committed? Was it this year, or last year, or the year before, or in 1815, or in 1715, or in the days when the historian of *Robinson Crusoe* wrote of there being pirates in Borneo and Celebes? The public would be able to say, whether those who concurred in the views he expressed were "canting," and whether they were "hypocrites." They would rather be exposed to such taunts, than be responsible for statements which really consisted of nothing except the cuckoo cry of "Pirate, pirate!" Then a midshipman was brought forward who wrote to his mother of a certain boat's people being murdered. Supposing no discount due for the possibility of the gallant midshipman being in error, nothing was proved but that wars were carried on by one barbarous tribe against another. It was stated that Sir Christopher Rawlinson had delivered a judgment that these men were pirates. In the present transition state of the Ministry, there unfortunately was not a legal adviser of the Crown to ask for an opinion; but he had an attorney general in his own house in a small way, who served his purposes, and who assured him that Sir C. Rawlinson had no more jurisdiction to decide whether these men were pirates, than the Bishop of Calcutta; and if he had attempted it, it would have been what lawyers call *coram non judice*, which there could be no doubt Sir C. Rawlinson knew better than to do. Sir C. Rawlinson had only authority to collect evidence of the numbers on board at the commencement of the attack; and at one time he appeared to have thought he had not evidence enough. He (Colonel Thompson) came therefore to the conclusion that no evidence of piracy had been,

or could be, produced; and he entreated the country to look into the case and judge for themselves, in the event of the House denying the inquiry which was asked. He was quite aware that subordinate officers, naval and military, could not be judges of the service on which they were ordered; but he would throw out for the consideration of all professional men who happened to be in that House, that as Members of Parliament they had a strong interest in checking the employment of the Navy and Army in services from which no one would return with pleasing recollections.

SIR H. VERNEY said, that there were numerous instances of piracy noticed in the *Singapore Free Press*, committed by these islanders. He must apologise for trespassing upon the time of the House, but he was anxious to do justice to those who served their country well; and he was convinced that the country never had been served by a more able, a more gallant, or a more humane man than Sir J. Brooke. When Sir J. Brooke returned to England in 1847, his departure was marked by a general outbreak of the pirates, who threw off all restraint, and carried on their depredations to a tremendous extent. Sir Stamford Raffles proved that piracy existed on the west coast of Borneo, and, in fact, that on the whole of the Malay coast piracy was regarded as an honourable profession, fit to be pursued by princes and nobles. He trusted that this question would be settled without a division; for he should desire to see the House unanimous in its approval of the whole conduct of Sir J. Brooke in these transactions.

COLONEL RAWDON thought the defence of Sir James Brooke was complete. He differed in opinion with the hon. and gallant Member for Bradford; for he was satisfied that the people of England would uphold the conduct of the officers of the Army and Navy in repressing acts of piracy, and that no soldier or sailor would be guided solely by the opinions of the people of England, but that, if sent upon any service, however arduous and odious it might be represented to be, he would faithfully perform the duty.

COLONEL THOMPSON, in explanation, said, the sentiments he had endeavoured to express were so completely in consonance with those of the hon. and gallant Member, that he could not find another word to say upon the subject.

SIR R. H. INGLIS said, that this was not a question of cant and hypocrisy, as

had been asserted, but a question involving the character of one of the ablest, most gallant, and humane men who ever exercised authority in any foreign country in the name of the people of England; and he could not refrain from expressing his strong feelings in defence of such a man. What better evidence of the existence of piracy in these seas could be procured than the depositions, either of the witnesses to the acts of piracy, or the victims of them. When it was contended that this piracy had not been committed on British subjects, he only wished that Captain Aaron Smith could burst in upon the House, as he had upon the Peace Meeting. He thought the conduct of Sir James Brooke had reflected honour on the name of England; and he felt it a privilege to be able to call himself the friend of a man so distinguished.

MR. COBDEN said, that a great deal had been advanced in the course of the debate respecting the transactions of Sir James Brooke, his concerns with Mr. Wise, and also with the Archipelago Company, and the whole discussion seemed to have turned upon the personal character of that gentleman. Now, he (Mr. Cobden) was not at all sure that Sir James Brooke was responsible for the massacre complained of. What he wanted to ascertain was, the authority upon which Captain Farquhar committed the act in question? The hon. Member for Montrose had submitted a Motion last March for a copy of the instructions given by Admiral Collier to Captain Farquhar; but the return, though ordered by the House, had not yet been presented. He wanted to know why the massacre had taken place, and who was responsible for it? He believed that Admiral Collier coincided in the view he (Mr. Cobden) and others took of this transaction, and therefore he asked the right hon. Gentleman the First Lord of the Admiralty, who would most probably take part in the present debate, to be explicit on the subject, for, at the time he submitted his Motion relative to head-money in February last, he stated that he had received a communication from the commanding officer on the East India station, suggesting the alteration of the law which he was then proposing. Where was that despatch? If all they were alleging relative to the desperate pirates at Borneo were true, there never was a time when an Act of Parliament giving head-money was more necessary than at present; and yet, no sooner

had the Government received intelligence of the circumstances which had taken place at Borneo, than they came down to the House, and on the 7th of February, a few days after Parliament assembled, proposed the repeal of the Act giving head-money for the destruction of pirates. He asked why did the Government, immediately after Parliament had assembled, come down to repeal that Act, if there was not something wrong on the coast of Borneo, for which head-money was paid? There had been considerable expression of opinion out of doors in consequence of the destruction of human life which had taken place on that coast, because it was alleged that the parties were not pirates in the view contemplated by the Act which granted head-money. Everybody knew that piracy was carried on on other parts of the coast to an enormous extent, and that the Act was passed in order to incite our Navy to increased efforts to put down pirates. What he and others objected to was, that the parties on the coast of Borneo bore no sort of resemblance to the pirates sought to be put down on the coast of Mexico; and it was contended that this objection was valid, because the Government had proposed early in the Session to repeal the Act granting head-money. A great deal had been said about piracy in the Indian Archipelago. He had followed the hon. Member for Newport on the map, and found that that hon. Gentleman had not gone within 500 miles of the place which was now under discussion. The hon. Member for Bedford had read a long account from a Singapore newspaper, to show that these people were pirates; but a statement directly to the contrary might be found in the *Singapore Straits Times*. To quote a party newspaper, and to bring forward leading articles and extracts from that newspaper as proof that they were pirates, was insulting to the understanding of the House. Why vote 20,000*l.* for the destruction of 1,200 or 1,500 human beings, and then, when called upon for proof that these human beings were pirates, go hundred of miles off for newspaper authority? He admitted that there were pirates in various other places, but he asked for proof that those on the coast of Borneo were pirates. He contended that there was not a tittle of proof that the parties committed an act of piracy in the sense contemplated by the statute. The hon. Member for Bedford had read an account of the way in which the alleged acts of pi-

racy had been committed; and what were these acts of piracy? It seemed that a boat laden with sago had been plundered. That load was worth about 30*s.* In consequence of that plunder the town of Mattoo was attacked, and the parties were repulsed with a loss of ten men. Well, now, did the House approve of sending their ships of war to destroy 1,200 or 1,500 human beings, because the people were in a state of war with their neighbours at Mattoo? Why go to destroy men with whose quarrels we were not at all mixed up? We had no more to do with the people of Mattoo, than we had with those who had never offended us. We had ourselves quarrelled with our neighbours in France in former days; and how indignant should we have been if another nation had then sent their vessels of war, and attacked us on that account? He protested against our being charged with 20,000*l.* for slaughtering those men merely because they were at war with their neighbours. He maintained, according to the orders of the Admiralty, that we had no right to employ our ships of war in exterminating those men unless they committed some acts of piracy against our vessels; and, in this case, there was no proof whatever that they had molested any vessel under the English flag. If it could be proved that they had, he would give up the whole case. Were we to be charged with 20,000*l.* under such circumstances? He denied that this discussion was an attack upon the character of the Navy. He believed they were indebted to a gallant officer of the Navy for having the matter brought before the House at all, and that no man would read with pleasure the encomiums which had been passed on those who destroyed 1,200 human beings, without the loss of life on our side, or even a scratch. He called such a slaughter a human battue. He believed there never was anything more unprovoked—that we had never encountered such little resistance—and that our services were nothing glorified by the performance of such an act. He did not charge the Navy with being consenting parties to it. On the contrary, he believed the Navy would heartily repudiate all our encomiums upon them for the act. We wanted proof that the parties were really pirates. We did not want Sir James Brooke's transactions with Mr. Wise—these were beside the question. We wanted to know why 1,200 men had been slaughtered: and it would not satisfy those who wanted a reply to

this interrogatory to tell them that Sir James Brooke and Mr. Wise had quarrelled. Besides, it ought to be recollected by those who spoke of this quarrel, that if Mr. Wise was aspersed, that aspersion might probably reflect on Sir James Brooke himself. When the House came to vote the money for Sir James Brooke's salary at Borneo and Labuan, that would be the time to take into consideration his conduct as Governor. At present the massacre was under discussion. The other day the House had talked about the evils of intervention in the affairs of other countries; and now he protested against our intervention in Borneo, and against our destruction of the lives of savages, merely because they were going to war with their neighbours. Had Captain Cook, the great circumnavigator, behaved in New Zealand as Sir James Brooke had behaved in Borneo? No such thing. Captain Cook found that the natives of New Zealand were cannibals; and, notwithstanding that he lost two of his crew on the coast, did he open his thirty-two-pounders on the people? No. He left domesticated animals and vegetables amongst them, and the consequence was, that that people were rapidly becoming civilised, and that they would most probably become hereafter one of the most distinguished races on the face of the earth. He (Mr. Cobden) repudiated the idea that he must pay homage to Sir James Brooke as being a great philanthropist, seeing that he had no other arguments for the savages amongst whom he went but extermination. He thanked the hon. Member for Montrose for having brought this question before the House. He gave the hon. Gentleman credit for the purest motives in introducing; it and he believed that the way in which the question had been mooted would have the effect of preventing any similar transactions in future.

SIR F. T. BARING had argued the question so repeatedly before, and he had heard the same assertions made so often, as to there being no evidence, that he should hardly have been induced to rise, had he not been called upon to do so by the hon. Member for the West Riding. As the hon. Gentleman insisted on hearing him again, he hoped the House would excuse him if he repeated the answers which he had given on former occasions. The hon. Gentleman had asked how it was that the Government had brought in a separate Bill regulating the distribution of pirates' head-money, and that it should not be given to

any until they had been proved to be pirates? That Bill had nothing whatever to do with the transaction before the House, for it happened that that measure had been under consideration some time, and the Bill which was drawn last was to have been introduced but for circumstances that then occurred. It happened that a change took place in the Admiralty; and in consequence of his hon. Friend, then Secretary of that department, having quitted that office, the Bill was not then brought in. There was no doubt that some reward should be given for the destruction of pirates. If the House gave rewards for services in the Navy, they must be given, not only when there was a hard battle or fight, but also something must be given in transactions which might apparently require the same gallantry, but where the service was often of an arduous and dangerous nature. The hon. Gentleman said he did not believe there was any resistance on the part of the pirates, because no one was killed on our side in the transaction. This, however, was no answer to the case which had been put in defence of this proceeding. There was another circumstance which induced the Government at once to proceed with the Bill alluded to—the claim which suddenly came upon them to pay 100,000*l.* for the destruction of pirates. This appeared to be a very considerable sum, and it added to the conviction which already existed that the law required revision. It was quite true that that gallant officer, Admiral Collier, had held some private communications with him on this subject, and in which he said he thought that some alteration should be made in consequence of the large amount this country had to pay as pirates' head-money. The hon. Member for Montrose moved for a return of the orders under which the officer acted who had destroyed these pirates. He had no objection to their production, but he had not been able hitherto to obtain a copy of them. They were not at the Admiralty; he had therefore written to Admiral Collier to send them over; that gallant officer, however, had died before his letter reached him, and some delay had arisen, therefore, on this ground. He had also given directions that Captain Farquhar should be written to for a copy of them; but he had left his ship when the order arrived. It was quite clear that Captain Farquhar received orders under which he had acted, and there would be no objection to produce them as soon as they could be procured.

MR. HUME wished to know whether Captain Farquhar had not complained of these orders?

SIR F. T. BARING replied that that gallant officer had not complained in the slightest degree. The hon. Gentleman had also written to him a letter, in which he charged him with having garbled a particular paper before it was laid before the House, and begging him not to garble any more public documents. The hon. Gentleman said he (Sir F. Baring) had garbled information; but he had looked over all the papers, and he could not find any ground whatever for such an assertion. He had asked the hon. Member to point the instance in which he had garbled papers, but the hon. Member had never done so; he (Sir F. Baring) supposed the hon. Gentleman was too wise to do so. [Mr. HUME: There are cases of the kind.] Then why not point out any particular instance of the kind? The hon. Gentleman who spoke last complained that they could determine this question as to whether these people were pirates or not, without referring to authorities. Was the hon. Gentleman aware that a specific treaty existed between Great Britain and the Government of the Netherlands, under the stipulations of which both nations were bound to carry into effect an arrangement for repressing piracy in these seas. The hon. Gentleman had read very differently from him on this subject; for in all the books which he had consulted, he found admissions of the existence of piracy in these seas. He was surprised, also, that the hon. Gentleman had taken no notice of the extracts from the report of some great commercial authorities, which the hon. Member for West Surrey had alluded to. He (Sir F. Baring) alluded to the representations which had been drawn up by Chambers of Commerce in different large towns in various parts of the empire, in which the Government was called upon to protect the commerce of this country from pirates in those seas. Surely these persons might be assumed as being competent to know the particular circumstances attending the commerce in those seas, and as to whether any risk was run from the attacks of pirates. The Government have repeatedly been called upon to afford protection, and put an end to the piracy in these seas. It was clear that the merchants who were members of the Chambers of Commerce at Leeds, Manchester, Glasgow, and other large towns, entertained a very different opinion from the

hon. Member for the West Riding. In addition to this, there were parties who, from their local position in these parts, might be supposed to be familiar with the subject. The Government had received repeated representations from the merchants of Singapore complaining of the pirates in those seas not being driven away. The hon. Member for the West Riding had that night made an attack upon the *Free Press* of Singapore. He (Sir F. Baring) did not intend to defend all that appeared in the *Press* on one side or the other; but he found in the other Singapore paper an address of the merchants of Singapore, in which they stated that an organised system of piracy existed which was most dangerous to the navigation of those seas, and which must at once be put down to insure confidence. Surely, it must be admitted that those gentlemen must be acquainted with what was taking place in their own neighbourhood. Then, again, the hon. Member said that all he called for was inquiry. Had there not been inquiry? What could they have better than a plain and open inquiry before an English Judge and an English lawyer? It was not so easy a matter to prove facts before them as it appeared to be thought in the House of Commons. In this case the Judge was not only satisfied that there was the appearance of piracy, but that there was actual piracy, and that there were many piratical prahus and boats in those seas. His hon. and gallant Friend the Member for Bradford said that he had been assured that the Judge had changed his opinion. It was true, in the first instance, Sir Christopher Rawlinson said he was not satisfied of the proof of piracy. If hon. Gentlemen would consult the papers, they would see that Sir Christopher Rawlinson said there was not sufficient evidence before him to satisfy his mind that these parties were pirates; he therefore required further evidence. Further evidence was brought before this learned Judge, who then declared that he was perfectly satisfied of the fact of these parties being pirates. Thus, it appeared that they had the declarations of the Chambers of Commerce in this country, they had the address of merchants residing in the neighbourhood of these people, and they had the decision of a court of justice which had carefully inquired into the whole circumstances of the case, and were satisfied as to these people being pirates; and yet hon. Gentlemen stood up and declared in the coolest manner that there was not a tittle

of evidence in support of such an assertion.

SIR T. E. COLEBROOKE would state, in two or three sentences, why he should vote for the Motion of the hon. Member for Montrose. In the first place, he must set right the hon. Member for Bedford. That hon. Gentleman had complained of his hon. Friend the Member for Montrose for stating that there were no pirates on the western coast of Borneo. Now his hon. Friend had quoted a passage from a work written by Mr. Low, the secretary of the Government of Labuan, who having been long resident in Sarawak, and being intimately acquainted with the country, said that piracy had not been carried on by the natives of the western coast. He stated distinctly that the pirates of these seas came from the north coast of Borneo, from the southernmost of the Philippine Islands, and that, traversing the whole of the coast, they occasionally attacked even the town of Borneo itself; and it was further alleged that many of the people of these seas traded with the pirates. The question was, whether the parties recently attacked were pirates in this or any other sense. Perhaps they were, after all, disputing about words. He knew nothing of this matter, except what he had read in the papers and in the diaries published by Captain Mundy and Captain Keppel. But he presumed that Rajah Brooke and Mr. Low were good witnesses; and their account was, that these Dyaks were savages in the lowest state of civilisation, ruled over by the Malays; that they went on plundering expeditions without firearms, chiefly against the inland Dyaks; that they came down the rivers, not in prows but in canoes, in the prosecution of the horrid practice of head hunting; and it was further stated that if, when they reached the seas, they found any boat, they would attack it; and no doubt in that sense they were pirates. If they were prepared to exterminate the Dyaks on that ground, they had better destroy the whole population of the island. It was, in fact, to that that the observations of the hon. Member for West Surrey tended. He said the inhabitants of the island were all pirates. If the Government were determined to support the settlement of Sarawak, they must no doubt put down its enemies. It had never yet, however, been recognised as a British settlement. If it were to be so treated in future, there should be some government

responsible for all acts, and instructions should be given to the naval officers to use some little discretion in the attacks which were made. But he thought the best course the Government could take was to instruct Sir James Brooke to return to his settlement at Labuan. Believing that the settlement at Sarawak was a mere incumbrance, and that it would be well if our connexion with that part of the country were abandoned, he should support the Motion of the hon. Member for Montrose.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 169; Noes 29: Majority 140.

List of the NOES.

Aloock, T.	Kershaw, J.
Anderson, A.	Lushington, C.
Bright, J.	Moffatt, G.
Brocklehurst, J.	Robartes, T. J. A.
Brotherton, J.	Salwey, Col.
Brown, W.	Scott, hon. F.
Buxton, Sir E. N.	Smith, J. B.
Colebrooke, Sir T. E.	Thompson, Col.
Duncan, G.	Wakley, T.
Ellis, J.	Walsley, Sir J.
Fagan, W.	Willcox, B. M.
Fox, W. J.	Williams, J.
Gibson, rt. hon. T. M.	Willoughby, Sir H.
Greene, J.	TELLERS.
Hastie, A.	Hume, J.
Heyworth, L.	Cobden, R.

Main Question put, and agreed to.

SUPPLY.

The House then went into Committee of Supply.

(1.) 109,850*l.* Disembodied Militia, agreed to.

SUPPLY—PRINCE EDWARD'S ISLAND.

(2.) 2,000*l.* Prince Edward's Island.

MR. ADDERLEY called the attention of the House to the subject of a petition from that colony, which he had presented a short time since. No notice had been taken by the House of the state of that colony, although the fact was well known that the supplies had been stopped, and that the legislature of the colony had been abruptly broken up with a reprimand from the Governor. He had in his possession the statement of the House of Assembly, and also the counter statement of the proprietors of land in that colony who were adverse to the House of Assembly, and whose statement showed clearly that the absentee proprietors of land had

no great confidence in the legislature of that colony. The House, with the petition before it, must either make up its mind totally to disregard such statement and prayer, and pronounce itself disinclined or unable to attend to such matters; or, if it would attend, it must call on Government to produce its statement on the third part, in order that the House might judge fairly upon the subject. If this House adopted the first course, of disregarding this petition, it would publicly announce to the colonies that it possessed no sympathies with them in their elected representatives; that their expressions of public policy found no echo nor channel in that House; that colonial public opinion might expend itself in conflict and recrimination on the spot; but that Imperial England chose to legislate for them, but not to hear them. By so doing they would also say to this country that they were ready to vote away large sums for colonies, even while the colonies are offering, on conditions, to take the expense on themselves, rather than be at the trouble to inquire what those conditions and offered terms may be. In short, they would hand over the destinies of our colonies and of their resources, lavishly poured out, not for their benefit, but for their mismanagement, blindly and unreservedly to the Colonial Minister, unchecked by public opinion. If, on the other hand, the House took the course of demanding some explanation of this statement of colonial grievances from the Government, it would show a just sense of its duty towards fellow citizens unrepresented in this House, and a due regard to our own constituents for the expenditure of their money in the colonies. He would therefore take the sense of the House as to whether the Government should produce such despatches and papers as might be necessary to enable the House to form a judgment upon the petition; and on the vote of money for Prince Edward's Island, he would propose its postponement, in order to afford time for the production of such despatches. With respect to the colony, the facts were briefly these. In a word, the colony demanded responsible government, such as existed in their other North American colonies. This country had hitherto been fearful of granting this demand, during a discussion of many years past, knowing that the first act of a legislature responsible to public opinion would be the forfeiture of the estates of

absent proprietors, whose estates were derived from Crown grants, the condition of which, as to settlement of lands, were alleged not to have been fulfilled by the grantees. He thought this, to say the least of it, a very questionable reason for preventing that event from taking place, because, if a local legislature ought to exist in that colony, this country had no right to interfere with any of their acts. With respect to the justice of such a mode of proceeding as the forfeiture of these lands, the noble Lord at the head of the Government, a few years since, when Secretary for the Colonies, had stated it as his opinion that such a forfeiture would be unjust. He (Mr. Adderley) believed those grants to have been originally injudicious, and the result of them extremely unfavourable to the prosperity of the colony. It might, however, be unjust, after so many years, to insist upon their forfeiture. But it might be that the representative legislature of the colony would in all probability deal harshly and summarily, perhaps unjustly, with those titles to the property: he knew but little of that matter. But what he wanted to impress upon the House was, that the Government of this country had gone too far to retrace its steps. They had conceded free representative government, and now it was too late to try to tie their hands up. They could stop supplies, and had done so. They were dealing with the question, and our silence would be of no avail. It appears that, pressed for a decision, Earl Grey, on the 27th of December last, had stated that he could not advise Her Majesty to refuse, if it were the wish of the inhabitants. The case, however, assumed a still more imperative character, as it has been made ostensibly to turn on the question whether or not the colony would provide its own civil list. The real bone of contention, the escheat question, was kept out of sight, and the Government made their condition a permanent civil list. That, however, was at once offered—a Bill was prepared by the colonial legislature for the purpose. The terms were fulfilled; and, what was more, this country was by that means relieved, as it should be, by the colony assuming with its local administration its local expenses also. It was impossible, under such circumstances, that this House could do its duty, either to its petitioners or to its constituents at home, by mere vacant silence. It might be necessary to remodel the colonial le-

gislature. It might be necessary to combine again Prince Edward's Island with Nova Scotia, or with other colonies besides, to save these proprietors from unjust treatment. But whatever might be necessary, or the right mode of dealing with the case, at all events it would not do to take no notice of this petition. The House must not abdicate its proper functions, nor hand over all Her Majesty's subjects not directly represented here to the Secretary of State for the Colonies. What he required was, the production of the despatch of the 27th of December, 1849, from Earl Grey to Sir D. Campbell. To say the correspondence was incomplete, and that this House must take no sort of notice of the complaint—that the Colonial Office and the Governor had wound up their correspondence—was to deny the colony a hearing here. The correspondence had been going on for years and years. In 1840, the House of Assembly begged for a Committee of Inquiry in this House. In 1842 the Legislative Assembly voted 100*l.* a year for an agent in England; and in the following year they were deprived of the power of having an agent in this country. They had now no mode of stating their grievances except by petition; and he considered that they would be acting most unfairly towards the colony if they allowed the demurrer of the hon. Member the Under Secretary of the Colonies, that correspondence was going on on the subject, to prevent their complaints from being attended to. He should therefore move that the proposed vote be postponed until those papers were produced.

MR. BERNAL informed the hon. Member that it was not competent for him to move the postponement of the vote.

MR. ADDERLEY then moved that the vote be negatived.

MR. MACGREGOR was satisfied that no colony could be well administered where the Governor and the Chief Justice were not paid directly by the Home Government, independently of local votes of supply. It was his opinion that the House of Assembly of Prince Edward's Island had acted unjustly in withholding the supplies, and that the House of Commons would imitate the injustice if they acceded to the Amendment of the hon. Gentleman.

MR. HAWES said, that the amount of the vote had been reduced since last year to its present amount; and the whole ground of opposition to it at present, so far as he could learn was, that the noble Lord at the head of the colonies had pro-

mised a responsible government to Prince Edward's Island, and that he had not yet fulfilled his promise. He wished to state clearly to the House that there was not the slightest intention on the part of his noble Friend to withhold responsible government from that colony. The subject was in a fair way of being settled in the only mode by which it could be effected—namely, by correspondence between the Governor and the Colonial Office. There was at present some very fierce and bitter disputes going on in the colony with respect to the rights of property and of private individuals, which it was necessary should be settled upon a fair and equitable footing before the Government could be placed upon a firm basis in the colony. While the correspondence relating to those topics was in progress, it would be most injudicious to lay any portion of it upon the table of the House. The adoption of such a course would only tend to prevent a settlement of the matters in dispute, and prevent that early concession of responsible government to the colony which the people required. He would only add, that the last accounts from the colony were such as to lead to the assurance that the Governor was preparing such arrangements between himself and the Assembly, and the colonists, and the Home Government, as would lead to a satisfactory settlement of the disputes. He hoped, therefore, that the House would not agree to the Motion of the hon. Member for North Staffordshire.

MR. AGLIONBY was glad to hear from the hon. Gentleman the Under Secretary, that there was even a chance of responsible government being conferred on Prince Edward's Island. However, he should observe that the question was not solely of amount; it was also one of principle. He hoped, notwithstanding, that the hon. Gentleman opposite would be content with having raised the question, without pressing the House to a division.

MR. HUME said, that responsible government for the colony had been determined upon, and all had been, in fact, settled, except the question of 100*l.* or 200*l.* a year pension to the Attorney General, when the colonists stopped their proceedings on the principle of not granting a pension to begin with. As for the appointment of an agent, he had himself presented their petitions, and had strongly impressed upon the Government the expediency of acceding to the strong feeling

of the colonists in that respect. He saw no reason assigned why this correspondence should not be produced, and he thought Her Majesty's Government should no longer resist the pressure from without, seeing matters were in such a state that the popular Assembly, or whatever it might be called, had voted no confidence in the Council. Why did not the Government at once meet the wishes of the people, and concede what they wanted?

MR. BAILLIE was afraid the hon. Under Secretary for the Colonies was too sanguine in his expectations that an arrangement would be effected in the colony; for, according to the last accounts he (Mr. Baillie) had seen, the colonists entertained no hope that their grievances would be redressed unless their case was taken up in that House.

MR. V. SMITH thought the first question that should be settled with regard to these colonies was that of escheats, because if they gave responsible government without any condition to a colony in which large tracts of land were possessed by proprietors in England, the earliest acts of the colonists would be to deprive those persons of their property. This vote was simply for a pension to the late Governor, and the salary of the present Governor; and the only effect of rejecting the vote would be that the colony must pay the money instead of this country. Now, he thought if the colonies defrayed the cost of their own local administration, this country should pay the salaries of the governors, and he hoped, therefore, that the hon. Gentleman would not press his Motion to a division.

MR. ADDERLEY said, he agreed with the hon. Gentleman the Under Secretary for the Colonies that the question of escheats should first be settled. He thought that this colony should be joined to Nova Scotia. The letters he had received from Prince Edward's Island within the last few days, however, did not hold out any hope of the settlement of the question; but, as it seemed to be the general opinion of the Committee that it would not be advisable to negative this vote, he would not press his Motion.

Voto agreed to.

SUPPLY—ECCLESIASTICAL ESTABLISHMENT, BRITISH NORTH AMERICA.

(3.) 11,228*l.* Ecclesiastical Establishment, British North America.

MR. BRIGHT said, a few days ago,

when they were voting money, he took the liberty of asking the noble Lord at the head of the Government, when the vote for ecclesiastical purposes came before the House, if he would undertake to give to the House some clear and definite statement as to the position in which they stood with regard to these votes. He understood that, with regard to the incomes of the clergy, they were to expire when the parties died. [An Hon. MEMBER: They never die.] He wished to know if Government was going to put an end to the present monstrous state of things—voting money for all sorts of religions. Here was the Bishop of Montreal, with a salary of 1,000*l.*; the Archdeacon of Quebec, 500*l.*; the Rector of Quebec, 400*l.*, and for house rent 90*l.* There was the verger of Quebec 30*l.*, and 20*l.* 18*s.* 6*d.* for rent of Protestant burial ground. Then, they had the Presbyterian minister 50*l.*, and the Roman Catholic Bishop of Quebec 1,000*l.*, and 2,000*l.* to the Bishop of Nova Scotia. It appeared to him that the Government had been most indiscriminate in these grants. He would not proceed to move the rejection of this vote now, because there might be circumstances which might make it impossible for them to refuse it at the present time; but he would ask the Secretary for the Colonies whether there was any time fixed upon for getting rid of these payments?

The CHANCELLOR OF THE EXCHEQUER said, it was impossible to give a general answer, because the circumstances differed in each colony. The best way would be to give a statement with respect to each, and therefore he should confine his answer to the vote before the House. With regard to this vote the arrangement was, that it should be continued during the life of the present recipients, and no longer, and therefore when the Bishop of Montreal died, the 1,000*l.* paid to him would cease; and when the Archdeacon of Quebec died, the 600*l.* paid to him would cease, and so on. It was therefore impossible to tell the precise period when the whole would cease, but the whole would cease when all the present recipients died.

MR. HUME said, that the arrangement was that no new appointments should take place. That was some years ago, and the amount was then 12,000*l.* These parties seemed to have very long lives. He had inquired whether some new appointments had not taken place, and he did so because he was told when they were now voting

money to pay the French refugees—those who had come over to England in consequence of the revocation of the edict of Nantes—and he asked the question if any of them could be alive now, or that they had been filling up the lists from time to time. He was afraid a little of this had been going on in this case.

MR. BRIGHT said, the right hon. Gentleman the Chancellor of the Exchequer did not tell them exactly how this bargain was made—whether it was the mere statement of a Minister to the House when the House was grumbling. And he had not told them when the rent of the Protestant burial ground was to cease. That could not die. He had no doubt that if the Government were to make an inquiry into the matter, they might get rid of many of these payments. The Canadian Government was as free as this Government, and nothing was more scandalous than that we should pay this money, and nothing more degrading to them than that they should receive it.

MR. AGLIONBY said, there was one payment, 3,062*l.*, to the Foreign Missionaries of the Society for the Propagation of the Gospel in Nova Scotia. He wished for some explanation upon that.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid as to the Protestant burial ground it would not cease, but it was no large sum. The missionaries of the Society for the Propagation of the Gospel were in point of fact appointed to districts, and the payments would cease on the death of the individuals.

MR. BRIGHT wished to know, if the Government here received annually an exact account of these parties and their names, and did they take care that a son of the same name did not succeed to his father's stipend?

Vote agreed to.

SUPPLY—INDIAN DEPARTMENT, CANADA.

(4.) 14,102*l.* Indian Department, Canada.

MR. HUME said, fourteen years ago, Lord Glenelg advocated the discontinuance of this vote; and it was proved then before the Committee that the presents to the Indians caused much drunkenness and immorality. If the House would support him, he would divide against this vote.

MR. COBDEN said, he remembered the late Mr. Charles Buller spoke on this subject more than once. He was in Canada, and saw the evil effects of it. He, him-

self, had seen some of the remnants of these tribes in Canada, and certainly they had a most degrading appearance.

MR. MACGREGOR did not think it would be advisable to reject this vote to-night, because the purchases were already made which this vote was intended to cover. But he should oppose the vote next year, if it appeared in the estimates. He believed that these presents of calico, &c., were often purchased at one-tenth of what they cost.

MR. HAWES believed that many of the annuities to the Indians contained in this vote were devoted by them to the establishment of schools. The Governor General of Canada thought it inexpedient to discontinue this vote at present, and he therefore hoped the House would not reject it.

MR. BRIGHT said, that there were 2,600*l.* of the vote paid in salaries, which was a most extravagant amount on account of management, and showed that something was in the background of which they were not informed. There were ordinary contingencies amounting to 1,200*l.*, which made very nearly 30 per cent of the whole vote. Then there were items for officers' widows, for provisions and gunpowder. The answer which had been given by the Government was of a very unsatisfactory nature; and unless the right hon. Gentleman the Chancellor of the Exchequer gave a promise that this vote should not appear in the estimates next year, he would advise his hon. Friend to divide the House.

MR. AGLIONBY said, that although it had been stated that the sums were devoted to schools, that did not appear on the face of the vote, for it was put down under the head of "Presents to Indians."

THE CHANCELLOR of the EXCHEQUER said, that a portion of this vote was paid in annuities, and a portion in presents. No doubt a great deal might be said against this vote; but the House ought not to expect him to give a promise that it should not be taken next year. These presents were distributed to certain semi-barbarous tribes as compensation for retiring from the hunting grounds from which their subsistence was derived. What he would undertake to say was, that he would communicate with the Governor General of Canada, and urge the discontinuance of the vote; or, if that were not possible, its limitation within the narrowest limits, consistently with a due regard to the preservation of public faith with these tribes. A

large portion of the superintendence of this vote was, he understood, given to the missionaries on the spot.

MR. BRIGHT hoped that the right hon. Gentleman would also communicate with the Governor General to get the Canadian Parliament to pay the grant to the native tribes, seeing that Canada possessed the hunting grounds for which this compensation was paid.

SIR E. BUXTON hoped that if the native Indians were not to be paid in the manner originally agreed upon, they would be paid in some other form.

Vote agreed to.

SUPPLY—BAHAMA ISLANDS.

(5.) 290*l.* Bahama Islands.

COLONEL SIBTHORP wished to know why this vote was only 290*l.*, when in the next page there was 1,200*l.* for the salary of the Governor?

THE CHANCELLOR OF THE EXCHEQUER said, that the vote of 1,200*l.* was included in the vote for the Governors of the West India Islands.

MR. BRIGHT wished to know whether the person who appeared as Bishop of Montreal, with 1,000*l.* a year, was the same person who appeared as the archdeacon of Quebec, with 500*l.*; and whether the person who was archdeacon of Quebec was the same individual who appeared as rector of Quebec, with 400*l.* a year? If 1,900*l.* of the public money was thus paid to one and the same person in Canada, it was important that the House should know it, in order that it might put a stop to an expenditure of so gross a character. He also wished to know if the rector of Christ Church and St. Matthew's was the same person?

MR. HAWES said, that the rector of Christ Church and St. Matthew's was one and the same person; but these payments would cease with the death of the party. With regard to the other case, he was not in a position to state the exact facts. The late Bishop of Montreal received 3,000*l.*; and having become old, he appointed a coadjutor, to whom he paid 1,000*l.* The present bishop held that appointment now, and with it he held the other two mentioned by the hon. Gentleman, making his salary altogether 1,900*l.*

Vote agreed to.

SUPPLY—SALARIES, WEST INDIA COLONIES.

(6.) 18,028*l.* Salaries of Governors and

Lieutenant Governors, in the West India Colonies.

MR. HUME asked that this vote should be postponed, as he wished to take the sense of the House whether the colonies which possessed self-government ought not to pay these salaries themselves.

THE CHANCELLOR OF THE EXCHEQUER hoped the hon. Gentleman would not press so hardly on the West India Islands.

MR. BRIGHT thought the Government might economise considerably by having one governor only for three or four adjacent islands. The Governor-in-chief of the Leeward Islands had 3,000*l.* a year; the Governor of the Windward Islands, 4,000*l.*; and each had a staff of clerks and officers. The expense might also be diminished by a similar arrangement with regard to the judges—having them to go on a kind of circuit.

SIR E. BUXTON did not think it would be wise to reduce the salaries of the governors.

Vote agreed to.

SUPPLY—STIPENDIARY JUSTICES WEST INDIA COLONIES.

(7.) 41,150*l.* Stipendiary Justices West India Colonies.

MR. HUME could not understand why this vote was continued.

MR. HAWES thought his hon. Friend must be aware that the vote had been annually agreed to since the Emancipation Act. Under those valuable officers the administration of the law was now on a satisfactory footing, and the removal of those stipendiary magistrates would be considered a loss by the colonists, for they were becoming more necessary with the increase of emigration.

MR. HUME said, they had been appointed at the time of emancipation to see justice done during the apprenticeship; but there was no reason why they should be longer continued.

MR. COBDEN asked if it was meant that they should continue in perpetuity?

MR. HAWES was understood to reply in the negative.

MR. BRIGHT asked the number of stipendiary magistrates in each colony. He understood there were eighteen in Jamaica, only three in Barbadoes, and but one in Antigua. Perhaps the number might properly be diminished in some of the colonies.

THE CHANCELLOR OF THE EXCHEQUER said, it was perfectly true the

magistrates had been appointed with a view to the apprenticeship, and their numbers had since been diminished; but when immigration began to take place, it was thought proper to prevent the number of justices from being further diminished, as it had been after the termination of the apprenticeship. This accounted for the different numbers in the different colonies.

MR. HENLEY wished to know how many of these magistrates there were, and the salary of each?

MR. HAWES said, their number was 86; they had each a salary of 300*l.* a year, and 150*l.* a year for travelling expenses. They were not appointed for any specified time. The same qualification was required as for justices of the peace in this country.

SIR E. BUXTON thought it desirable that they should be continued; they had been of the greatest use since the extinction of slavery.

Vote agreed to.

House resumed.

Resolutions to be reported on Monday next.

The House adjourned at a quarter after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, July 15, 1850.

MINUTES.] PUBLIC BILLS. — 1^a Incorporation of Boroughs Confirmation (No. 2); Court of Exchequer (Ireland).

2^a Vestries and Vestry Clerks.

Reported.—Factories; Municipal Corporations (Ireland).

3^a Union of Liberties with Counties; Manchester Rectory Division; Masters Jurisdiction in Equity; Larceny Summary Jurisdiction; Sheep and Cattle Contagious Disorders Prevention Continuance.

Royal Assent.—Pirates (Head Money) Repeal Act Commencement; Titles of Religious Congregations Judgments (Ireland); Drainage and Improvement of Land Advances; Sheriff of Westmoreland Appointment; General Board of Health; Court of Chancery; Turnpike Roads (Ireland); Police and Improvement (Scotland).

COUNTY COURTS EXTENSION BILL.

LORD BROUGHAM said, that as Chairman of the Select Committee on this Bill, he had great satisfaction in redeeming the pledge which he had given the last time the House met, as to the course which he had suggested, and which had been adopted, of referring the important Bill relating to the County Courts, certainly one of the most important Bills which could come before them, to a Select

Committee. He had undertaken that no unnecessary delay should take place, and he had then said, that if he saw any tendency in any quarter to interpose delay at so late a period of the Session, with a view to defeat the measure, and not to improve it, he should at once move that the Chairman report progress, and bring the Bill again before their Lordships. He rejoiced, however, to say that he had been more than able to redeem that pledge, and it was with great satisfaction he now reported the Bill to the House after only one sitting of the Select Committee. The Committee had sat three hours to-day, and they had discussed every part of the measure which presented any doubt or difficulty. In fact, if they had discussed it for three weeks, they could not have given it a more efficient consideration. He had to tender his thanks to his noble Friends who had served with him on the Select Committee, and he must also thank a learned gentleman, Mr. Herbert Koe, a Queen's Counsel, and judge of one of these local courts, who had attended the Committee and given them the valuable assistance of his experience. No difficulties remained except on one point, which before proceeding further with, he should mention to his noble and learned Friends (Lord Lyndhurst and the Earl of Cottenham), and his noble and learned Friend the present Lord Chancellor. But amongst the Amendments, he had to direct the attention of their Lordships to one which had been suggested by a noble Friend opposite, to give certain powers to these local courts, not of dealing with charities generally, but of filling up vacancies among trustees, and thus in the case of small charities, prevent the necessity of an application to the Court of Chancery. Perhaps it would be better to take the next stage of the Bill on Thursday instead of to-morrow, which would afford time to consider the Amendment. He looked upon this as one of the most useful measures that had ever been brought before Parliament; and its adoption quite consoled him for the loss of a Bill of the same description which he brought forward in 1833, and which had only been thrown out by a majority of one. This subject had always excited the deepest interest among American lawyers, many of whom were very eminent men, and for whom he entertained the most sincere respect. Some of these learned persons had invited him to visit America; and when he visited that coun-

try, as he intended to do, it would give him great satisfaction to take with him this Bill, as a proof of the success of our legislative labours, and of the progress which we were making in the amendment of our law—the law being substantially the same in England and America. To show that he did not intend to abdicate, even for a season, his judicial functions, he should mention that he had come to the final resolution of postponing his departure until late in the ensuing spring. If Parliament met at an early period, which he hoped it would, he expected they would be able to get rid of the arrears of appeals before their Lordships by next Easter. He did not wish to throw any additional labour on his noble and learned Friend the Lord Chancellor, who had the arrears of his own court to get rid of. He must press upon him not to exhaust his valuable health by over-exertion, for he knew his determination work hard, and if he did not take his (Lord Brougham's) warning, he might find that the arrears would be more than he could overcome. He would merely add, that any assistance he could give to his noble and learned Friend, in respect to the judicial business of the House, was entirely at his service. But he hoped his noble Friend would forego the intention of sitting into the long vacation, for the reason he had adverted to.

Bill reported, with amendments.

PACKET STATION BETWEEN PORTPATRICK AND DONAGHADEE.

The MARQUESS of LONDONDERRY said, that, seeing his noble Friend the Postmaster General in his place, he wished to move for a return of the expenses of the conveyance of the mails between Greenock and Belfast; also of the transmission of the mails by Portpatrick and Donaghadee; also for a copy of the contract entered into or about to be entered into for the present year by the steam company. My object (said the noble Marquess) in moving for the correspondence as to the loss of the *Orion*, with the Admiralty, on a former evening, and which the Government declined to afford me, as legal proceedings were to be instituted with regard to it, was to show that, from information that had reached me, it was more than probable, if Portpatrick had not been abandoned as a packet station, the unfortunate event would not have occurred. It appears that the hour at which the *Orion* struck was just about the time the mail packet of the

day would have been preparing to sail for Donaghadee. The sailors then would have been on and about the piers. They might have seen her, no doubt, and hailed her in time. The smoke also from the mail packet funnel would have been observed on the *Orion's* deck, and at once notified to the captain or mate of the vessel that it was coming too near the piers. It is certain, however, a large amount of life would have been saved by there being immediately a greater number of boats ready, and sailors and men at hand to jump into them at the instant—thus a large amount of life would have been saved. Fishermen's small boats could do little in picking up persons from the wreck. This is not, I fear, the first instance of destruction of life which the miserable economy of Her Majesty's Government will have to put on record for knocking up and annihilating the convenient and admirable passage between Donaghadee and Portpatrick, for a paltry saving of 4,000*l.* or 5,000*l.*, which is all that was required for one good steam vessel on the station. I have already predicted to the noble Marquess at the head of the Post Office he will surely have accidents in the heavy fogs in the winter in the Clyde, and delays with the vessels in the long passage; and I have to complain of the partial and somewhat apparently unfaithful return the noble Marquess has laid on the table as to the comparisons of the advantages of the two disputed harbours. From my certain information I assert there was one day in which no mast passed, in consequence of the Greenock packet having run foul of a vessel. Now, as this does not appear on the face of the return, I have a right to challenge it as a false return from the Post Office. It was, I believe, in the month of February. Now, I beg to state another very strong fact. The north of Ireland, the district where Portpatrick is, should not be lost sight of. Then the return shows that on the Portpatrick route the mail left Glasgow at 4.30 P.M., and took 16½ hours to Belfast. Now that mail, which left Glasgow at 4.30 P.M., did not reach Portpatrick by the mail cars till 3.30 A.M. next morning, consuming just 11 hours from Glasgow to the port, which ought to have been done in 8½ or 9 hours. It is, however, quite clear, to contrast the old route with bad land conveyance, and bad, old-fashioned, with fast steamers on the new line, twelve hours' passage on an average of years will be the fastest that can be made from Glasgow to

Belfast. And yet, while that route affords a little more accommodation to those towns, it deprives the West of Ireland, the West of Scotland, and the North of England of their former accommodation. If the land conveyance to Portpatrick were improved, and a good steamer placed on the old station, eleven hours' passage from Glasgow to Belfast would always be maintained, giving equal postal advantages to those places, the old accommodation to other places, and securing to the people of Great Britain and Ireland the advantage of one hour and twenty minutes' sea passage between the two countries. With these convictions, and under these circumstances, understanding that a new contract is about to be entered into by the Government with the steam-packet company, I have thought it a duty to that part of the country suffering grievously from the late change, in making these observations, to move for the contract, to warn the Government before they enter into it to weigh well the costs and expenditure of the steam-packet company this last year to secure their object, and to be quite sure when they have done so that they do not exhibit in a short time entire failure, and that, ultimately, the Government will deeply deplore their abandonment of the station. The return shows that in the Portpatrick route the mail left Glasgow at 4.30 P.M., and took sixteen hours and a half to Belfast. Now, that mail which left Glasgow at 4.30 P.M. did not reach Portpatrick by the mail car till 3.30 A.M. next morning, consuming just eleven hours from Glasgow to the port, which used to be done, and ought to be done, in eight hours and a half.

The MARQUESS of CLANRICARDE said, he had no objection, on the part of the Post Office, to the production of the contract referred to by the noble Marquess. There had not been any complaints made, he believed, as to the working of the service between Greenock and Belfast. If the new line had been established by the Admiralty, the Post Office could not have made much use of it.

The EARL of EGLINTON expressed his approbation of the old route by Portpatrick in preference to the present one.

Motion agreed to.

FACTORIES BILL.

House in Committee according to Order.

EARL GRANVILLE said, that if the Bill were a new measure introduced into the Legislature, having for its object novel

arrangements in factories, and compulsory regulations of factory labour, it would have been necessary for him to go at considerable length into a discussion of the great question, how far it was possible to promote the moral and physical advantages of the factory operatives by any legislative enactment. Upon that subject he entertained a strong opinion; but, considering the particular object of the Bill, he did not deem it necessary to give expression to that opinion on this occasion, its object being to obviate what the Government considered to be certain impediments which had arisen in the way of the due operation of the spirit of the existing law. Their Lordships would remember that, by an Act passed in 1833, certain provisions were made for regulating the hours of labour of young persons and women in factories. Considerable modifications of that Act were introduced by the Act of the 7th and 8th of Victoria, c. 15 (1844), and it was the 26th section of that Act to which the present measure had reference. In 1847 another Act was passed, making no difference in the provisions of the Act of 1844, with the exception of altering the number of hours from 12 to 10, during which the labour of persons under the age of 18, and of females, should be restricted. Clause 26 of the Act of 1844, provided that the hours of the work of children and young persons in every factory should be reckoned from the time when any child or young person should first begin to work in the morning in such factory. Although it was not originally intended to do so, yet this proviso was found practically to lead to what was called a system of "relays" and "shifts." The system of relays and shifts was consequently introduced. On looking at the clause of the Act of 1844, and also at the Act of 1847, it was found by the millowners that the law was not stringent enough to prevent either the system of relays or of shifts. Now, the difference between relays and shifts was this: in the case of relays a fresh set of persons was employed, whereas, in the case of shifts the same persons were employed a certain number of hours, their labour was then suspended for a few hours, and they were then employed again during the same day. Thus it appeared that as the factory day began at half-past 5 o'clock in the morning, and ended at half-past 8 o'clock at night, these persons, though not actually at work more than ten hours, might be really waiting about and occupied in the

factory 15 hours. The inspectors were all of opinion that this interpretation of the clause was illegal; and one gentleman, acting upon certain instructions he had received from the Home Office, thought it expedient to refer the question to a decision of the local magistrates. The question was referred to several of those magistrates, and their decisions were very various, and they were of opinion it would be necessary to obtain a legislative enactment on the question. However, it was thought both by the millowners and the operatives that it would be more satisfactory to have recourse to a court of law. The question was accordingly brought before a court of law; and the Judges, in giving their judgment, said, that probably it was the intention of the Legislature to prevent relays and shifts, but that the words introduced into the Act were not sufficient to prevent that intention being acted upon. Upon this being known, the system of relays and shifts became more general than before, and Lord Ashley's attention was at length called to the subject. He (Earl Granville) merely mentioned the name of that noble Lord, in order that he might have the opportunity of saying that, although in many of the opinions entertained by that noble Lord he could not concur, and although to some he was diametrically opposed, yet he felt it impossible, either for him, or for any of their Lordships, to deny that Lord Ashley had bestowed considerable labour and toil on this subject, and had made great sacrifices to promote the object he had in view, and that great weight and authority in respect of the feelings and wishes of the working classes of this country was due to the opinion of that noble Lord. Lord Ashley having his attention thus drawn to the unsatisfactory state of the law, obtained leave to bring in a Bill to rectify the error that had crept into the Act of Parliament. In that Bill he introduced a clause to explain what was considered to be the real intention of the Legislature when passing the Acts of 1844 and 1847; but it was found that that clause would be inefficient for its purpose. A second clause was then brought forward, but that also was inadequate to accomplish the object. After no less than three days serious deliberation by some of the profoundest lawyers, a third clause was prepared, but it was still found that even that clause would not effect the end desired without introducing some perfectly new matter which it was by no means right or

proper to introduce. At length the right hon. Baronet the Secretary of State for the Home Department (Sir G. Grey), who had for some time paid great attention to the subject, had a communication with the millowners; and, after due deliberation, the conclusion he came to was, not exactly a compromise, but the proposal embodied in the Bill now before their Lordships. It was a proposition which it was conceived would meet the exigency of the case; and while it afforded to the factory workers that relief which the Legislature had it in its contemplation to secure to them, it would at the same time be agreeable to a large majority of the millowners. On the right hon. Gentleman introducing that proposition, Lord Ashley immediately consented to give up the Bill into the hands of the Government. He (Earl Granville) did not believe that Lord Ashley was actuated solely by an experience of the difficulty of drawing up a clause to meet the object he wished to accomplish, but that he was of opinion that the proposition of Sir G. Grey was so beneficial for the operatives themselves, and so well calculated to effect a settlement of the question, that he felt it his duty not to offer any opposition to it. By the present law the labour of young persons and women was restricted to 10 hours a day during the first five working days in the week, and for 8 hours on the Saturday; and the limits of the time within which this labour was to be performed were from half-past 5 in the morning to half-past 8 in the evening of the first five days in the week; and from half-past 5 to half-past 4 on the Saturday. The proposal of Sir G. Grey and of Her Majesty's Government was, that the margin of time allowed to the factory owners should not extend to 15 hours a day, but to 12 hours a day; because, by 15 hours of working time being allowed, the millowners had the opportunity of employing persons at work for a greater number of hours than it was contemplated by the Legislature that they should be employed. As to the hours of work upon a Saturday some objections, he believed, had been stated as to the omission of the dinner hour; but the great object of the working classes—a half-holiday, beginning at 2 o'clock—would, at all events, be secured. They could easily make the necessary arrangements for having dinner at the time the work closed, and then they would be in a position for going at once into the country and spend-

ing their half-holiday in amusement and healthful recreation. It was quite clear that their Lordships would pass a one-sided Act if they gave their consent to an arrangement by which all the concessions would be on one side—that of the manufacturers, while nothing in the shape of a small corresponding advantage was yielded on the other. It was, therefore, proposed that the time of labour should be half-an-hour longer on each ordinary day than was provided in the original Bill, being, taking into account the half-holiday on the Saturday, two hours additional in the week, or 60 hours in all; thus making the measure essentially a Ten Hours Bill. Having made these proposals, Her Majesty's Government were supported in carrying them out by a large majority of the House of Commons. He knew that he would be asked by the noble Duke and the noble Lord opposite how the measure had been received in the country; and probably they would point to the agitation which had existed in certain quarters, and to the petitions which had been presented to their Lordships, as proofs that the Bill was distasteful to the operative classes. Now, as to the alleged agitation which had taken place, he thought that when they considered the organisation and the system which that agitation had assumed—when they considered that it was headed by one gentleman who had had great experience in those particular tactics by which agitation was produced, and that it was also headed by another gentleman who was held in great affection and regard by the operatives themselves, and when, moreover, they considered that the operatives got encouragement both in the way of advice and money from political parties in London, and were accustomed to hear plausible statements that it was the intention of Her Majesty's Government to take away from the operative classes the boon granted to them in 1847—when they considered all these things, he was entitled to say that the agitation was a failure. He might on this part of the subject refer to what was most trustworthy evidence—that of the factory inspectors; and, if he were told that their reports were not to be relied upon, because they were written by Government officers, who were receiving Government pay, he would answer, that if any accusation had ever been made against those gentlemen, who stood so high for intelligence and character, it was not because they had shown themselves subser-

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vient to the millowners, but rather because of their enthusiastic zeal in the cause of the operatives. He found Mr. Leonard Horner writing thus:—

"The plan which you have recently brought forward for putting an end to that system, if not universally approved, has been received with great satisfaction by a large majority of all those interested in the question, so far as I have had an opportunity of judging, from personal inquiries and from the opinions given to me by the five sub-inspectors in my district as the results of their inquiries. The merit of the plan chiefly dwelt upon is, that by the limitation of the factory day to 12 hours, from 6 o'clock to 6, out of which the hour and a half for meals must be given, it will secure a uniformity in the hours of work in all mills, so far as concerns the employment of young persons and women. It is an early stopping in the evening that the work-people chiefly value; and, if the free evening hours from six to 9 be secured, the great object sought for by the Ten Hours Act will be attained; for then the factory workers will be in what may be called the normal state of the operatives in the generality of trades, and will, like them, have leisure for domestic arrangements, for improving themselves by attending evening schools, with opportunities for healthful and reasonable recreation. The intended general stopping of the mills at 2 o'clock on Saturdays has given especial satisfaction; and it will prove, I doubt not, a great source of comfort and advantage to the work-people and their families."

Captain Kincaid said—

"It is my belief that the proposed Government measure will produce generally the most satisfactory settlement of the question that could have been devised; for, excepting in the woollen districts, the interests of which, as I have already shown, will be peculiarly affected by the proposed measure, and among the owners of other mills that are worked by relays, and who must naturally be averse to the change, my own observations, as well as the information of the sub-inspectors, lead me to believe that the proposed Government measure will be hailed by the mass with great satisfaction."

Then Mr. Sanders stated—

"The evils which have resulted from the state in which the law has unhappily been so long left, have been, it is hoped, sufficient to insure a legislative decision on the subject during the present Session of Parliament; and I have the satisfaction of stating, that the principle on which the Bill now before Parliament has been framed, has given great and general satisfaction. There are partial objections, some of which may, in the progress of the Bill through Parliament, be removed; but it is earnestly to be desired nothing may interfere to delay carrying the main features of the Bill into effect."

Then these gentlemen united, including Mr. Howell, from whom he had not quoted, added—

"The Bill now before Parliament for defining the duration of the factory working-day contains valuable provisions, and we anticipate considerable assistance from it in our efforts to obtain a

uniform observance of the law. The abridgment of the working-day within the ordinary limits of 12 hours, including the prescribed intervals for meals, and the curtailment of the afternoon labour of Saturdays, appears to us a very advantageous arrangement. We hope that this amending Bill is calculated to allay the excitement which has existed for so long a period in the manufacturing districts, by removing many serious impediments to the full accomplishment of the objects of the Legislature, in limiting the hours of the labour of young persons and women employed in factories."

These were the opinions of the factory inspectors, and he hoped they would have due weight with their Lordships in coming to a decision that evening. There were some Amendments to be proposed, which Her Majesty's Government could not accept. He thought that, considering an arrangement had been proposed, based on a footing fair to both parties, it would be acting contrary to all the principles by which a Government should be actuated, if they agreed to those Amendments—if they, obtaining concessions from the mill-owners, should allow to be torn from them the very small advantages which the Bill proposed they should receive from the other side. If their Lordships came to any resolution of that nature, it was his duty to inform them that it would be impossible for Her Majesty's Government to carry on the Bill. That they would exceedingly regret to abandon the Bill, he did not deny; but such, undoubtedly, was the course which Her Majesty's Government would feel called upon to take. He hoped, however, the noble Duke (the Duke of Richmond) would well consider the proposal he had to make. They all knew how much attention the noble Duke had paid to what he believed would be for the advantage of the agricultural classes; and he would venture to say there was no point to which the noble and gallant Duke had paid more attention, or on account of which he deserved greater credit, than in endeavouring to keep up an harmonious feeling between the different classes engaged in agriculture—between the landlord, on the one hand, and the farmers, and tenants, and labourers, on the other. Now, he would like the noble and gallant Duke to carry this principle out, and to look to the very serious consequences which might accrue if he succeeded in introducing the change which he proposed into the Bill. If their Lordships gave up the finest opportunity they ever had of getting a majority of the mill-owners cheerfully to co-operate with them in carrying into effect a regulation such as that embodied in the Bill—if they repudi-

ated the amiable feeling they had exemplified on this occasion, they would materially increase the agitation now going on; and it was only fair to expect that mill-owners would be tempted to regard all their efforts at legislation as the cause of interminable disputes; and, as a consequence, they would see the millowners getting into combinations with each other to put down that agitation among the operatives which they would regard as contrary to their best interests. They would thus reduce the employment of capital, and perhaps raise those questions as to the rights of labour so much discussed in other countries, but which, happily, had been little heard in this. He was sure, however, their Lordships would do all in their power to allay agitation of such a character as this—that they would take a course which would encourage rather than lessen the employment of capital, and, consequently, of labour—that they would deal equally and fairly with two parties whose interests were so much in conformity one with another—and that, instead of setting them in opposition, they would furnish them with motives for promoting the welfare and prosperity of each other.

On Clause 1 being proposed,

The EARL of HARROWBY said, that he, in addressing their Lordships on this subject, did not wish to enter into any question of political economy. He had to propose as an Amendment, that, in the category of parties who were not to be employed at any hour before 6 o'clock in the morning or after 6 in the evening, "children" should be included. In Yorkshire, Lancashire, and the other manufacturing districts, the strongest desire existed among the operatives that this boon should be extended to their children. He hoped, therefore, his proposal would be acceded to by the House; though, whatever might be its fate, he trusted nothing would occur to throw out the Bill. He could hardly conceive on what ground the exclusion of children could be defended. Their protection had been the first object of past factory legislation, and was that which had been considered to excuse interference with the natural operation of the laws of political economy, seeing that of all parties they were the least able to protect themselves. Their Lordships would be told, perhaps, that this Bill in no way touched the case of children, and that therefore there could be no necessity for the legislation which he proposed. Prac-

tically that was not the case. The practical operation of the law had hitherto been, that children had not worked later than the period up to which young persons and females could be employed. He was afraid that if their Lordships passed this Bill as it stood, making it impossible to employ young persons and females except between those hours, they would stimulate masters to make a use of the existing law to which they had not hitherto been driven, and to avail themselves of the labour of children before and after the hours fixed for the employment of young persons and females; thereby exposing children to an amount of hardship to which they had shrunk from exposing even those who were better able to protect themselves. The result would be, as had been predicted by one of the factory inspectors, that, being precluded from employing young persons and females after 6 o'clock, those manufacturers who were desirous of making the most of the opportunities which the law afforded to them, would employ children for two hours and a half or three hours after their older relatives had been dismissed from the mill; and thus many children of tender years would have, perhaps, to walk home over a moorland country after 8 o'clock at night, in the depth of winter, unprotected, and in the dark. He could not imagine that their Lordships would shrink from extending to children the same protection as they were about to extend to females and young persons. No doubt what he proposed was, to a certain extent, an interference with adult labour, because the labour of children was generally, though not universally, necessary to the carrying on of adult labour; but, practically, it could only have the effect of keeping matters in the state that they were. One of the inspectors, Mr. Sanders, had declared that the practice of working children later than young persons and females was already beginning, and that, in some mills, children had been retained one or two hours after their elders had left off work for the day. All that he proposed was, to restrict labour to a degree beyond which the better class of manufacturers would be unwilling to enforce it. The noble Earl concluded by moving that, in line 10 of Clause 1, before the words "young persons," should be inserted the word "child."

EARL GRANVILLE would not enter at any length into the merits of the question. Their Lordships were aware that it

was the intention of the Act to let children work by relay, some before and some after dinner; and his objection to the Amendment was, that the present Bill was only declaratory, and only related to a portion of the existing law. If it was desirable to take up the case of children, that ought to be done in a new Bill; but the present measure being merely in explanation of an Act already passed, the law, as regarded children, would be left as it at present stood.

LORD KINNAIRD said, he had been informed that ten mills, at least, would be immediately set to work in the manner apprehended by the noble Earl (the Earl of Harrowby), if the Bill passed in its present shape. He did not think the Amendment of the noble Earl at all interfered with the principle of the Bill.

LORD STANLEY was anxious to state the reasons why he could not support the Amendment proposed by the noble Earl. The object of the Legislature should be to confirm the benefits which it was intended to confer by the factory legislation of 1844 and 1847, and, therefore, the whole object of the present Bill was very properly confined to rectifying a technical difficulty in the former Act. But the distinction between the cases of young persons and females and that of children was very broad, both with regard to the personal limitations, and with regard to the principle on which the alteration of the law was sought. His noble Friend on the cross benches had not drawn with sufficient accuracy the distinction between relays and shifts. The great evil complained of with regard to shifts was, that under their operation young persons and females were retained at or about the mill for a much longer period than it had been intended that they should be, and that, consequently, though their actual work did not exceed 10 hours, yet practically they did not obtain the benefit of the relaxation or opportunity for mental improvement supposed to have been conferred by the Acts of 1844 and 1847. By the shift system they might be compelled to attend at the mill at the earliest moment in the morning, and to remain till the latest in the evening, when it closed, leaving them time during the day in which they were not employed, but preventing them having any of the practical advantages arising from recreation and improvement. But with regard to the case of children, no such difficulty arose. His noble Friend took the relay system

and treated it as an abuse; but the relay system was not an abuse. It was, on the contrary, contemplated by the Act of 1847. By the Act, children might be worked from the opening of the mill till dinner-time, provided it did not extend to more than six hours and a half; but after that the same children could not be worked at all—other children must be provided to work during the afternoon, and, therefore, one half of the day was set apart for their instruction and improvement. The relay system was, in short, carrying out the intentions of the Legislature as sanctioned in 1844, and not altered in 1847. It was intended that children might be employed for $6\frac{1}{2}$ consecutive hours, if necessary. Let the legal period of employment be reduced from $6\frac{1}{2}$ hours to 5, and the hours of adult labour would be reduced to 10. This restriction was never contemplated by the Act of 1847. The only ground for imposing it which his noble Friend had adduced was, that if it were not enforced, children would have to go home at night unattended by women and young persons; but really any person who knew the working of the factory system, must feel that if that were the only argument which could be brought forward, his noble Friend had made out a very weak case for imposing a very heavy restriction with regard to factory labour. It could not be supposed to be a case of very great hardship that a boy or girl 9 or 10 years of age were asked to leave the mill after their elder brothers and sisters were gone, when the great probability was that, in most cases, they would be under the care of their own fathers, or other adult relations. He (Lord Stanley) would not say whether or not, in his opinion, the Act of 1844, or that of 1847, were a wise measure, and on principle he thought they were both open to great objections; but, practically, there could be no doubt that up to that period the working of young persons and of women for 10 consecutive hours, and the working of children for $6\frac{1}{2}$ hours—the system which it was intended to introduce in 1844 and 1847—had produced universal satisfaction. The petitions in favour of the continuance of that system were numerous, emanating from clergymen, from factory operatives, and from a large portion of the millowners themselves, who desired the maintenance of the Bill in its integrity. He was willing to agree to the Amendment of the noble Duke as one that would carry out the principle of the for-

mer Acts, but he could not consent to impose upon the manufacturers a new restriction that was not called for by any large body of men, and that was not contemplated either in his Act of 1844 or 1847; and he felt called upon to support what he considered the good faith of Parliament. If, therefore, the noble Earl pressed his Amendment to a division, he would feel it his duty to vote against it; but if the noble Duke pressed his Amendment upon the House, he would give it all the support in his power.

LORD WHARNCLIFFE said, that by the Act of 1844 the shift system was not contemplated, whereas the relay system was actually enacted and authorised. As regarded children, the relay system was distinctly and directly established. Under the existing Act, children might be employed either $6\frac{1}{2}$ hours before, or $6\frac{1}{2}$ hours after, dinner; their work might be spread over 15 hours—from half-past 5 to half-past 8. What his noble Friend proposed was, that the time should be limited to from 6 to half-past 5; and, as the arrangements requiring that children should not be employed more than $6\frac{1}{2}$ hours per day were entirely in accordance, and intended to go along, with the arrangements for limiting the hours of labour of women and young persons, and it was now proposed to carry out an alteration of the regulation with reference to the latter, a change as regarded children was also called for. He could not but think that the noble Lord's (Lord Stanley's) objection to the proposal, considering what he himself was prepared to do, resembled the "straining at a gnat, and swallowing a camel." He (Lord Wharncliffe) could not admit that, under this Bill as it stood, children would not be in a worse position than they had been. The privilege of employing children up to half-past 8 would not be unimportant, or without its value, to manufacturers; but still he thought the great majority of them would cheerfully assent to the Amendment, in the hope of having a final settlement of the long-agitated question between them and their operatives.

The DUKE of RICHMOND said, that if the Amendment had been very generally desired by the operatives, it would surely have been included in the Bill brought in by Lord Ashley in the other House. He was, however, entirely in favour of the principle of it, and were it brought in separately from his own proposal he would

willingly support it, as it would not then hamper the case with additional difficulties.

The EARL of HARROWBY, in reply, referred to the petitions from Lancashire, Chester, and Yorkshire, to show that as much stress had been laid upon this alteration as regarded children by the operatives as on any other part of their demands. If the Bill passed without this Amendment, the effect would be to drive the manufacturers to employ more children at a later hour than hitherto; and the children would be sent away from the mills without their natural protectors to take care of them.

The BISHOP of OXFORD wished to draw the attention of the noble Lord opposite (Lord Stanley) to one or two points, because the noble Lord, in insisting on the necessity for the Legislature keeping faith with the working classes, said he thought this Amendment would be an infringement of the compact entered into by the operatives with their employers under the last Act. Now he hoped to be able to show the noble Lord that the whole objection was the other way. Technically speaking, this Amendment was a new boon, to be given to the children; but taking a higher view, it was not a new boon at all; because the Act they were about to pass, whether they adopted it in its present shape, or with the noble Duke's Amendment, would create a new evil as regards children. A great deal of misconception arose from the use of the terms shifts and relays. Relays had been encouraged, and wisely, because they enabled two sets of children to work, one in the morning and the other in the evening. But the shift system, which had been carried on in contravention of the law, had this result, that the women and young persons worked as long as the children could work under the old system. But now we were going, by legislation, to make shifts impossible for young persons and women, and were distinctly creating a new condition that varied the terms of the old agreement, to the injury of the children; and, therefore, while they strictly kept faith, by adhering to the original agreement, the highest principle of philosophical statesmanship required that they should introduce a counterbalancing check to prevent the children from being injured, otherwise, whilst they would be adhering to the original compact on the one hand, they would be violating it on the other; for the practical effect of the

present Bill without the Amendment would be, to make children work along with adults two hours after women and young persons left work; and this he held to be an evil which, if they were anxious to keep good faith with all concerned, they would be careful to avoid. He had had numberless representations of the deep interest which the factory workers took in this Amendment. The noble Lord said the children would leave work with their fathers; but he (the Bishop of Oxford) believed they would receive no such protection, because he knew from inquiries that the children of adult spinners were not the class of children generally employed. The children employed were generally the relatives of the women and young persons of the factory; and if the female children did not get home till two hours and a half after their natural protectors, they would be exposed at their time of life to a danger which it would be most desirable to avert. And, again, there was another view that had not been taken. This system would greatly diminish the boon to the family, because if the children did not leave work till two hours and a half after the other members of the family, it would be impossible that family arrangements and family economy as to meals could continue undisturbed.

Their Lordships divided:—Content 25; Not-Content 58: Majority 33.

List of the CONTENTS.

DUKE.	Middleton
Cleveland	BARONS.
MARQUESSSES.	Lytelton
Winchester	Wharcliffe.
Exeter	Feverham
KARLS.	Alvanley
Galloway	Boston
Enniskillen	Kinnaird
Stanhope	BISHOPS.
Chichester	Gloucester
Eppingham	Oxford
Harrowby	Salisbury
St. Germans	Manchester
Mountcashell	Ripon
VISCOUNTS.	Chichester
Sidney	

List of the NOT-CONTENTS.

DUKES.	EARLS.
Devonshire	Bruce
Richmond	Carlisle
MARQUESSSES.	Granville
Abercorn	Grey
Anglesey	Harewood
Breadalbane	Leitrim
Lansdowne	Minto
Salisbury	Morley
Westminster	Manvers

Powis	Camoy's
Stradbroke	Orewo
Strafford	Cremorne
Scarborough	De Lisle
Shaftesbury	Dufferin
Waldegrave	De Tabley
Wilton	Elphinstone
Warwick	Eddisbury
Yarborough	Erskine
VISCOUNTS.	Foley
Cambermere	Kenyon
Strangford	Langdale
BISHOPS.	Milford
Durham	Monteagle
Down	Overstone
Hereford	Redendale
BARONS.	Sudeley
Ashburton	Say and Sele
Beaumont	Sondes
Byron	Stanley
Blaney	Truro
Broderick	Wodehouse

Amendment negatived.

The DUKE of RICHMOND, in moving the Amendment of which he had given notice, said he heard with considerable surprise that his noble Friend opposite had declared that, in the event of his (the noble Duke's) Amendment being carried, it was the determination of Her Majesty's Government to abandon the Bill altogether. Now, he did not conceive that to be a Parliamentary course: but in any case he was prepared to relieve the noble Lords on the Government benches from all difficulty in the case. He assured their Lordships, that if he should succeed in carrying his Amendment, and that Her Majesty's Ministers did abandon the measure, he was prepared to take charge of it himself, and endeavour to carry it through the House; and in the other House he would have no difficulty in inducing his noble Friend Lord John Manners to take it up; and then they would see if it could not be carried. Therefore noble Lords need not be alarmed lest the Bill might be lost for want of some person to take charge of it. He felt he should declare he was not actuated by either party or political motives in bringing forward his Amendment; but he could not help feeling that a large portion of their fellow subjects—the operatives employed in the factories—came before them, not to solicit an act of grace or favour, but to ask their judgment, as the highest court of appeal, in favour of the maintenance and inviolability of the Act of 1847. He asked their Lordships to make no change, nor to interfere in the hours of labour. He asked them not to abridge the hours of labour except to the extent intended by their former legislation. He asked for no

favour, nor for the alteration of a principle; but he called upon them in their public capacity to do that which in their private they would not hesitate a moment to perform. He called on their Lordships not to break faith with that large portion of Her Majesty's subjects, the factory operatives. Their Lordships should be aware that, after a struggle of 20 or 30 years' duration, the factory operatives succeeded in 1847 in obtaining the Ten Hours Act, which they considered to be the great charter of their liberty. Feeling it to be such, they, like English and independent men, told the Government that they (the Government) intended to give them, and did give them, that Act in its real and true spirit. But now what did Her Majesty's Ministers mean to do in consequence of the recent decision of the Court of Exchequer? Some millowners—a minority, he was glad to say—discovered a flaw in the Act of 1844, of which they took advantage, and endeavoured to evade its spirit by having resort to the shift system, a system the most prejudicial that the cupidity of man ever invented. They were brought before a bench of magistrates and fined; but, on the advice of eminent counsel, they took advantage of a point of law, went to the Court of Exchequer, where, unfortunately, they were successful. He asked his noble Friends opposite, as also on the cross benches, if this decision of the Court of Exchequer had been in favour of the operatives instead of against them, he asked, did they believe there was a single Peer in that House, or individual outside of it, who would have ventured to propose the repeal of the particular clause, or the diminution of the hours of labour as set down by the Bill? He therefore asked them, as honourable men, could they take advantage of their own errors in the Act of their own framing, and to say, we will have a compromise? Compromise, forsooth! The factory operatives called on their Lordships to maintain the solemn pledge, and keep inviolable the promise they had solemnly recorded. Was there anything in their conduct since the passing of the Act, which ought to deprive them of this act of justice? Did they not receive the boon with a deep sense of gratitude? They expressed as much to Her Majesty and to this House; and the Speaker of the House of Commons, in his address to the Queen, took great credit to the Commons for having passed so good a measure. But he would put the matter on higher

grounds; he would not stoop to expediency. He would put it on the high ground of keeping faith with the great body of factory operatives—humble, to be sure, in station, but loyal and honest, as they had proved themselves, and in every way worthy of the boon conferred on them. He (the Duke of Richmond) would not, at that advanced hour of the evening, delay their Lordships with extracts from the reports of the factory inspectors; but he would remind noble Lords that the inspectors reported that the Ten Hours Act worked well. The clergy of the various denominations bore testimony to the fact, that the morality of the working classes had been much improved, and that the evening schools were better, and far more usefully and regularly, attended. It was also a fact that the demand for field allotments had been much on the increase; thus affording healthful and pleasing exercise to the operative, who formerly rushed into the excitement of the beershop. The physicians reported that the health of the factory operatives was much improved; and he therefore asked, when everything was going on with such apparent satisfaction, why their Lordships were to take advantage of the quibble of a lawyer on an Act of Parliament to the detriment of these laborious, but peaceful and loyal men? In their petitions they told their Lordships, that under the former state of things, themselves, their wives, and children, were happy and contented. He (the noble Duke) in moving his Amendment, was not in any degree desirous of attacking the manufacturers of the country—who, he thought, by and by, would see the difference of being surrounded by a moral, religious, and educated class of operatives, which, in his opinion, was a boon much greater than any amount of money could confer. Their Lordships were aware how much they were abused by the agitation and reports of demagogues in great cities, and therefore it the more became their Lordships to show that they were determined to hold the scales of justice with equal and steady hand towards the humblest labourer as to the wealthiest millowner, and that no consideration would induce them to violate their recorded promise. These were the circumstances under which he obtruded himself upon the attention of their Lordships; and it was because he felt so very strongly on the matter that he had ventured to trouble them at such length. The noble Duke concluded by moving an Amendment,

“That half after five o'clock be substituted for six o'clock,” which would, in point of fact, make the measure a Ten Hours Bill.

EARL GRANVILLE complained that the noble Duke had not rightly described the position of affairs when he made it appear as though the Government took advantage of a slip to deprive the factory operatives of the boon they had conferred on them in 1844. He wished that no such misapprehension could exist; because such was not the case. Certain concessions had been made by the millowners; and Her Majesty's Ministers were not then anxious to depart from them, seeing that a little labour was spread over four days in each week. Lord Ashley, after repeated trials, had failed to frame any clause which would secure to the factory operative what he conceived to have been the object of the Act of 1844; and, therefore, he (Earl Granville) might be excused for declining, on the part of the Government, to recede from the compromise which had been agreed upon.

The BISHOP of RIPON, remembering how often Lord Ashley had urged him to persevere in endeavouring to obtain a Ten Hours Bill for the working classes, trusted that the noble Lord would pardon him if he persevered in the path which the noble Lord had himself pointed out to him. For his own part, he felt great encouragement to persevere when he recollected that all the prognostications so liberally dealt out during the years in which the advocates of a Ten Hours Bill had laboured had been all happily falsified, and that the benefits experienced from the Act of 1847 had exceeded the most sanguine opinions which even the friends of that measure had ventured to express. He hoped their Lordships would permit him to read an extract from the report of one of the factory inspectors. Mr. Horner stated—

“I continue to receive favourable accounts of the working of the Ten Hours Act. That great experiment, dangerous as it appeared to many, and to myself among others, because of so sudden a change from twelve to ten hours, has succeeded, so far as it has yet been tried, beyond what the most sanguine of those who were favourable to it ventured to anticipate. I am happy to be able to give some strong proofs that the Ten Hours Act has not been productive of those ruinous consequences to trade which some predicted would inevitably follow, and that it has not had the effect of deterring persons from entering into the business and investing fresh capital in it, whether in building new mills, or in extending works already existing, from an apprehension that ten hours' work could not yield a remunerative profit.”

When such evidence was given of the beneficial effects of the Ten Hours Act, the friends of the measure might well be jealous of the slightest infringement of that statute, which had promoted in so eminent a degree the physical, social, moral, and religious welfare of the manufacturing districts. It was impossible to exaggerate the benefits which had accrued from the Act of 1847. The cause of education had greatly progressed, and it had been stated that in the parish of Leeds alone as many as 100 night schools had been established since the passing of the Ten Hours Act. The number of allotments had also increased, and, these vast benefits having resulted, it could not be a matter of surprise that they should be jealous of any alteration or infringement in the Act. It was said that this Bill was a compromise, and that a compromise was necessary. But what was the meaning of a compromise? A compromise took place between two parties whose rights were very uncertain, and each of whom was, therefore, willing to concede something. But it could not be said, with regard to the shift system that there was anything uncertain in the rights of the working classes, for the very object of the clause so unhappily interpreted by the Judges was to protect the operatives against the shift system. He had yet to learn that the consent of the factory operatives had been given to the compromise proposed by this Bill. As far as his knowledge extended, the case was directly the reverse, for in every manufacturing parish or district of any consequence in his diocese, public meetings had assembled and resolutions had been passed insisting upon a Ten Hours Act, without a single voice being raised against them. Was he not justified, therefore, in assuring their Lordships that the working classes were all but unanimous in wishing to secure for themselves a real and adequate Ten Hours Act? So far as he knew, they did not value the Saturday arrangement proposed by the Bill, for it was believed that if young persons worked from breakfast to two o'clock, their strength would be exhausted. He believed it to be the opinion of many eminent medical men that if such a clause passed, it would be digging the graves of many of these young persons, and rendering them more liable to the attacks of consumption, a disease already too common among them. It was said that the present measure would be a final settlement of the question; but he could not

believe this assertion. There was a strong feeling of indignation among the manufacturing operatives upon this subject; and their comparative silence and quietude, to his mind, only proved the intensity of this feeling. It was not unworthy even of their Lordships' consideration how far the peace of the country might be endangered if the boon already given to the working classes were taken away by the passing of the present measure. He disclaimed entirely all political feeling in the remarks he had made. He had come to the consideration of this question with a desire to arrive at an honest conviction upon it; and he warned Her Majesty's Government that a deep sense of injury would rankle in the bosoms of the poorer classes of this country if they were deprived of the Ten Hours Bill. Instead of allaying the dissatisfaction between masters and operatives, he believed the present Bill would only foment it; and he entreated their Lordships to pause before they finally shut the door against the hopes of the working classes. But, whatever might happen, he had only done his duty in endeavouring to prevent so grievous a disappointment to the operative classes, by attempting to secure for them the integrity of that Act which had been passed for their relief.

LORD WODEHOUSE said, that a great responsibility attached to their Lordships' decision on the present occasion, because all must feel that, at the present time, questions affecting the working classes assumed a serious and grave importance. But a great many considerations had been introduced which did not properly belong to the subject. Her Majesty's Government had been accused of a breach of faith in introducing this measure. But if that accusation was true of the Government measure, it was equally true of the Amendment of the noble Duke; because his Amendment, no less than the Government proposition, was a departure in many respects from the Bill of 1847. That being so, the question then was to find the best means of remedying the defects of the law, and the best mode of reconciling the interests of the employers and employed. Under these circumstances Her Majesty's Ministers proposed a compromise which reduced the hours from 15 to 12, and gave the operatives a half holiday on Saturday. That was the concession on the part of the masters; and on the side of the operatives the concession was that they should work

10½ hours instead of 10. This had the great merit of being an arrangement between the millowners and the operatives; and it conferred the additional boon on the latter, that instead of being kept at work till half-past eight, they would by this Bill be relieved from work at six o'clock. He regarded the present measure as giving a fair hope of a permanent settlement of this question, and of allaying the agitation which prevailed in the manufacturing districts. He believed that interference in matters of this kind was a dangerous policy, though he was ready to admit that in the case of factory operatives, whose position was exceptional, experience had proved it to be beneficial. He believed that they would be acting unwisely if they refused to pass the Bill as proposed by Her Majesty's Government, which had been approved of by some of the most zealous and devoted friends of the operatives.

LORD FEVERSHAM felt confident that if the noble Lord who had just spoken had gone into the manufacturing districts, he would have formed opinions so different from those he had expressed, that he would have refrained from calling upon their Lordships to pass the Bill. He had presented several petitions from Lancashire and the West Riding, in which the petitioners declared that the present Bill had created the utmost discontent, and called upon their Lordships to vindicate the honour and integrity of the British Parliament. He had also presented an important petition from the clergy of the rural deanery of Bradford, who stated that they had seen with delight the beneficial working of the Ten Hours Act, and that they regretted that the intention of the Legislature should be defeated by a flaw. These petitioners therefore appealed to their Lordships to correct a technical error, and they said, that the respect of the factory operatives for the law and for the Legislature would be greatly shaken if it appeared that they were to be deprived of what they regarded as a moral right, namely, an efficient Ten Hours Act. He (Lord Feversham) hoped their Lordships were not going to deprive the operative classes of the inestimable benefits which they had derived from the working of the ten hours system. He could not but observe that half an hour's additional labour per day was not a matter of such insignificance as some persons appeared to imagine. The period of 10 hours had been fixed, after much deliberation, and after obtaining

the evidence of the most eminent medical men, who declared that this period of labour in the close and unwholesome atmosphere of factories could not be prolonged without great injury to the health of these females and young persons. If their Lordships should pass this measure, they were about to sow the seeds of discontent among the labouring population, who were awaiting their decision with the utmost anxiety, but still with hope and confidence. It was not only in this country that the principle of a Ten Hours Bill had been recognised. He held in his hand the report of a Committee of Inquiry appointed in the State of Pennsylvania, United States, where a Ten Hours Bill had been passed in 1849. Petitions had been presented for the repeal of this Act, but the Committee declared that ten hours' labour were sufficient for any human being, and they reported against any change in the Bill of 1849. He believed that up to 1847 the noble Earl (Earl Grey) had advocated the principles contended for by the late Mr. Fielden; and he regretted that he should evince such a want of consistency as he apprehended the noble Earl would show if he voted for the present Bill. And he should be glad to hear from the noble Earl that he was prepared now, as on a former occasion, to support the principle of the Ten Hours Bill.

EARL GREY said, the noble Lord was mistaken in supposing that he had supported the principle of a Ten Hours Bill from the time the question was first agitated. It was not until the year 1844, being then a Member of the House of Commons, that he voted with great hesitation in favour of the measure then introduced for the better regulation of factory labour; but in that year he was satisfied that some restriction ought to be imposed on the labour of women and young persons employed in factories; and to a measure with the same view he gave his support in the House in which he now had a seat in the year 1847, and he had no reason to regret the votes which he had given upon those occasions, still adhering as he did to those strong objections which he entertained to interfering between labourers and their employers. But there was something so peculiar in the case of persons employed in factories, that he had come to the conclusion that Parliament was justified in interfering to extend protection to persons who were not able to protect themselves. Parliament having so interfered, and a

difficulty in carrying out the intentions of the Legislature having arisen, looking at all the circumstances of the case, he could not avoid arriving at this conclusion, that the Bill now before their Lordships was the fairest settlement that could possibly be effected of the matters in dispute. By the Bill as it now stood, the millowners had made a large concession, inasmuch as they had agreed that the 15 hours within which they could heretofore carry on their works were in future to be reduced to 12 hours. Now, in cases of accident occurring to the machinery, or in the event of delay otherwise occasioned, the millowners would be deprived of the benefit of that measure which was now in force. Then they made a large concession as to the Saturday, and the result of all that was, that though the workers on their parts also made great concessions, yet the balance would rather on the whole be in favour of the workers than of the masters. By the adoption of the Amendment, their Lordships would deprive the working men of advantages and protection which the Bill would give, and which could not be refused without manifest injustice. The real question they had to decide was, whether by passing this measure they would get rid of the system of shifts, which was attended with great inconvenience to the workers. It would further expose them to great oppression if the present measure were abandoned, as he feared it must be. If the Bill were to be given up, they would unsettle a question which was now in a fair way of being settled, and which, if not settled, would lead to much discontent amongst both employers and employed during the next few months. He could not sit down without observing that the noble Duke had laid great stress upon the opinions of the factory inspectors; but those inspectors all concurred in stating that the measure contained a compromise which they thought would be acceptable to the working classes, and he should therefore have no hesitation in voting against the Amendment, which he felt he could do with perfect consistency with the vote he gave in 1847.

LORD STANLEY said, there were two questions which their Lordships had to consider. The first was, whether, by adopting the Amendment, they would in fact be abandoning legislation on the subject; and next, whether by adopting the Bill, they were effecting a compromise which was satisfactory to the parties chiefly interested. With respect to the first ques-

tion, he begged to call their Lordships' attention to a resolution which was passed on the 4th of May, in the present year, by a large portion of the operatives of Lancashire, which was to the effect that the House of Commons should throw out the Bill, and that that course would be more satisfactory to them than any infringement on the Bill of 1847; and the Amendment of his noble Friend was therefore in accordance with the spirit of that resolution. But they had another meeting in Lancashire for a Ten and a Half Hours Bill, where it was said, and unanimously agreed to, that a Ten Hours Act would meet with their unqualified approbation. He might read half-a-dozen similar resolutions passed at public meetings, if it were necessary, all tending to show that any settlement of the question which was inconsistent with a Ten Hours Act would be unsatisfactory to the operatives, and would by them be considered as contrary to the former decision of Parliament. It was, however, stated that a compromise had taken place. Now, he wanted to know who were the parties to this alleged compromise? There was no settlement, as far as he could learn, with the millowners, still less with the factory labourers. Where was the evidence of those large concessions which the millowners were said to have made; and had there been any petitions presented to either House of Parliament in which anything of that sort appeared? There had not been one petition in favour of 10½ hours as compared with 10 hours. The state of the case appeared to him to be, that the Government came in and made an arrangement with unknown parties, and then told Parliament that that was a compromise. So far as the millowners were concerned, he saw nothing of the sort, and as to the operatives, they were all but unanimous against it. He had himself presented a petition which contained a declaration against a Bill in express terms from 271 millowners, of whom 40 employed not less than 30,000 hands: their petition prayed that there should be no infringement of the 10 hours' principle. But, besides the opinion of the millowners and the operatives who might be supposed to have strong interests in the matter, he would call their Lordships' attention to testimony of a higher, because of a more impartial, character—that of medical men and of ministers of religion. Various petitions had been presented from surgeons and other medical men, stating that ever since the

introduction of the 10 hours system, the health of the factory labourers had greatly improved; and he was happy to see then in that House the right rev. Prelate who presided over the see that had been newly created in the manufacturing districts. He was glad to be able to call the attention of that right rev. Prelate to an expression of opinion supporting the 10 hours principle, and proceeding from as many as 34 of the clergy of the Church of England residing in Manchester. They spoke strongly in favour of the 10 hours system as highly favourable to the religious, moral, and social condition of the people, as promoting reciprocal kindness and affection; and they knew nothing more calculated than its repeal would be to work injuriously upon the condition of the operatives in the manufacturing districts. They held that any extension of time would at once undo all the good which the 10 hours practice had already effected. The clergy and the medical men were in daily intercourse with both masters and men, and their deliberate opinion was that the change proposed to be effected by the Bill would, if passed without the Amendment, do great injury to the interests of both, and especially to the moral and physical condition of the working classes. He had only to add that, if they rejected the Amendment, they would completely put an end to the harmonious working of the present system, and renewed agitation must be the inevitable consequence of any further delay in a settlement of the question.

The BISHOP of MANCHESTER said, as some reference had been made to him by the noble Lord who had just sat down, he wished to make one or two observations. He was not at all prepared to take the same view of the question as the noble Lord (Lord Stanley), nor was he prepared to say that any representation coming from so large a number of the actively employed clergy of Manchester, as stated by the noble Lord, was not deserving of attention; but when he himself considered the question, he felt bound to come to the very opposite conclusion to that which the noble Duke who proposed the Amendment had arrived. It was not the fact that any large number of masters were in favour of the Amendment. He remembered some time ago having presented a petition to their Lordships in favour of the principle of the measure now before the House. That petition was from one of the most extensive, humane, and benevolent manu-

facturing firms in that district. He thought no such opposition against the Bill as had been represented existed, and he was strongly disposed to support it. He was not prepared to believe that this would be a final measure, although as regarded the question at issue between the employers and the employed, he looked upon the present measure as more likely to be final than any other upon the subject ever hitherto submitted to Parliament. With reference to Lancashire, he might say that in every part of it a most remarkable and gratifying change had taken place in the health and morals and condition of the working classes since the limitation of their hours of labour. He believed that change had taken place in consequence of the use made by the operatives of the Ten Hours Bill; and he was firmly convinced if the present system continued, and the hours for labour were definitively fixed, the greatest blessings would be conferred upon the people. The increase proposed was only two hours a week, and he had reason to believe the working classes would not object to it. He should be some authority upon the subject, from the fact of having been so long in daily communication with them. As evidence of an improved condition that came more immediately under his own view, he might mention the great number of churches which had been consecrated by the most rev. Prelate on the bench below him, while Bishop of Chester; the fact also that he had himself consecrated as many as twenty-four churches in the short time that he had exercised episcopal functions, and confirmed as many as 22,000 young persons of the working classes of one district of Lancashire. He was sure they would not reject the Bill, or be dissatisfied with it. Many who professed such sympathy with the working classes had disapproved of it; but he had no doubt they would accept, and be perfectly satisfied with it. He should, therefore, support the measure.

The EARL of GALLOWAY said, he by no means grudged giving the operatives a diminution of two hours in the amount of their weekly labour; but he was unwilling to forego the positive and practical benefit which he thought would be conferred on them by this Bill. He should, therefore, vote against the Amendment of the noble Duke.

The BISHOP of OXFORD said, that in 1847, having been allowed to address their Lordships, he could not willingly, on the

present occasion, omit saying a few words. It seemed to him that in the present discussion they had wandered a little from the immediate question which the Amendment raised, and also from the question whether the Bill without the Amendment would be a breach of contract, a breaking of faith with the working people of the manufacturing districts. He could not help observing that, in the arguments used by several noble Lords in the present discussion, somewhere or other they let it slip out that they were not only against this measure, but against the Ten Hours Bill also, and against any interference. But the main question which the House had to consider was this: did the Bill before them amount to a breach of contract? He did not hesitate to say that it would be so without the Amendment. His right rev. Friend had argued, because two hours additional labour in the week would form but a trifling augmentation to the labour of the working man, that therefore it might readily be given up; but if it were admitted to be a slight addition to his exertion, it must be acknowledged to be a very slight benefit to the millowner; for such a benefit Parliament would surely not violate a contract. No doubt it had been argued that the factory labourer for better wages worked a shorter time than the agricultural labourer; but let it be remembered that they were not then engaged in legislating for the benefit of adult labourers, but for the protection of women and young persons. He wished to add one word more as to the breach of contract. A contract could not validly be varied without the consent of both those who were parties to it. It appeared to him that, in this case, two parties had agreed to be bound by certain resolutions; and a third party, the Government, stepped in, and changed the contract, though one of the parties refused to assent. They surely could not fairly effect the change, even though one consented, when the other did not. So long as the great body of the operatives were opposed to it, he should deem it most unjust to attempt to carry out any such arrangement. The manufacturing classes in this country naturally looked to their Lordships' House as a court of ultimate appeal; and one of the most philosophical historians of England (the Earl of Clarendon) told them that of old the people of this country bore violence much more patiently than any act of deliberate injustice, and that in the case of ship money they were less moved by the

force with which it was levied, than by the unfair decisions of the Judges. Clarendon said, that nothing had a greater tendency to produce disaffection in the minds of Englishmen than any want of confidence in the courts of justice; and Burke emphatically stated that unsuspicious confidence in the integrity of our tribunals was that alone which could keep England tranquil; and nothing could effect that object without inflexible integrity in the observance of contracts. In that he cordially concurred; and believing that the present measure was calculated to weaken the confidence of the labouring classes in the proceedings of their Lordships' House, he would vote for the Amendment.

The MARQUESS of LANSDOWNE said, he felt bound, after what had fallen from the right rev. Prelate who spoke last, to say a few words. If the right rev. Prelate had listened to the course of the debate, he would have found that not one who supported the present measure had let slip any intimation of former hostility to the Ten Hours Bill. On the contrary, the last two speakers had in a marked manner declared that they had been favourable to the Ten Hours Bill.

The BISHOP of OXFORD said, that what he intended to state was, that they had admitted that they were opposed to the principle of any interference between the employer and the employed.

The MARQUESS of LANSDOWNE: The matter which was most important to bring under the notice of their Lordships was this, that the Bill defined the limitation, and he was glad to see it clearly defined, and not liable to evasion. A noble Lord, a Member of the other House (Lord Ashley), who had devoted seventeen years to the service of the factory labourers, after great labour and attention bestowed upon the present measure, had introduced clauses in the Bill, and yet even he found it impossible to give all the security that he wished, inasmuch as he found it was one thing to place enactments on the Statute-book, and quite another to produce a practical result on the great masses of the people. The men who had most at heart the good of the operatives had given them reasons why they were bound to join in this—he (the Marquess of Lansdowne) would not say compromise, as the term had been objected to—but in this happy degree of understanding which now for the first time prevailed, he would not say between all, but between a very large number of the

masters and of their men. The right rev. Prelate said he would not violate the compact which had been made with the operatives; but he (the Marquess of Lansdowne) denied there had been any compact, or that there had been any intention but to secure the operatives their rights by Act of Parliament. If there had been confusion and misunderstanding arising out of that Act; and if a state of things came to pass such that neither masters nor men knew what they had obtained, it was not only the right but the imperative duty of Parliament to come forward and impartially administer justice between both. Knowing as he did the great acquaintance of the right rev. Prelate with every branch of the interests of this empire, it was with surprise he had heard the statement which he had put forward as to the effects of the loss of half an hour to the manufacturer. Why, half an hour might be little for the operative to give up, but it might be everything for the manufacturer to gain. Did not the right rev. Prelate know that four-fifths of the capital of the manufacturer were vested not in the wages of his men, but in the machinery of his trade, and that if it stood still for half, nay, for a quarter of an hour, he might lose more than he could gain by the work of his operatives for an hour? The whole question lay in the importance of securing to the manufacturer the use of the capital that had been invested under the law in the purchase of machinery, that he might not be unnecessarily deprived of the means of employing it, and of effecting a great object, not only for himself, but for the mass of the operatives. Parliament was not only perfectly free to legislate on this question, but bad, he contended, taken the best view of it, and the most proper view, of securing the interest of both parties, by relieving the operatives from a state of the law which enabled the masters to introduce a system of shifts and relays that had defeated many of the good objects of the former Bill, and by securing to them the inestimable boon of making it certain that every manufacturer should begin and end at six o'clock, while it provided the manufacturer with the means of working his machinery. Was it not an inestimable boon to the operative that he should have a certain portion of his evenings and the half of Saturday—the day most valuable to him, for every purpose of recreation and instruction? If those noble Lords who opposed the Bill could look into the

reports, and examine the effects of the former Bill, they would see that all its beneficial results had been produced in the mode and by the means most likely to be increased by the measure now before them. Where the former Bill had been especially productive of beneficial effects, had been in affording the operative inducements and opportunities to obtain instruction in the local schools, and in cultivating garden allotments. Both these were objects of great and almost equal importance, and it should be the desire of their Lordships especially to encourage the latter. Was it not invaluable to the operative to know that he would be certainly able to attend the school at a fixed time every evening, and to know that he could devote a certain portion of time every evening to the cultivation of his garden? It was on those grounds that Mr. Horner in his report—founded on the statements of five out of seven inspectors—of the 17th of June, stated that the proposed termination of the present system had been received with great satisfaction by a large majority of those interested in the question. He (the Marquess of Lansdowne) believed in his conscience that this Bill afforded a better opportunity than they had hitherto enjoyed of enabling them to bring about a state of things in which, if the difficult question at issue was not brought to a close, they might at least understand each other better than before—to meet on common ground—to secure to the operative a limitation of the hours of labour that could be enforced, as compared with a limitation which could not be enforced, and to secure to the master the certain free use of the capital, which for his own use, as for the public benefit, he was interested in employing. He did not mean to say if the Amendment was carried, the Bill would not pass into a law; but his belief was, and it was not unconstitutional to express such an opinion, that the other House might take a different view of the question from their Lordships, and that if the Amendment was carried, the Bill might not become the law of the land. He did not require for the purposes of his argument, however, to consider whether the Bill did not pass into a law, or, what was equally bad, whether it passed into a law which did not enlist the sympathies of both parties. Let their Lordships depend upon it that when they came to pass a Bill on an avowed system of interference, and if they created in every place a passionate opposi-

tion to the Act they had passed, they would find their enactment vanish into air, and they would not be able, by any clauses they might devise, to enforce the regulations they thought expedient. If a law was to succeed at all, it could only do so by obtaining the certain approbation of the parties interested; and in the belief that the measure before their Lordships was calculated to put an end to the angry heart-burnings and strife which had existed on this question, and to secure to the operatives and to the masters their fair rights, he hoped they would allow it to pass, and reject the noble Duke's Amendment.

Their Lordships divided:—Not-Content 52; Content 39: Majority 13.

List of the NOT-CONTENTS.

ARCHBISHOP.	Uxbridge
Canterbury	VISCOUNT.
DEVONS.	Canning
Devonshire	BISHOPS.
Norfolk	Down
MARQUESSSES.	Durham
Anglesey	Manchester
Abercorn	BARONS.
Breadalbane	Ashburton
Lansdowne	Beaumont
Westminster	Broderick
EARLS.	Byron
Bruce	Camoy
Beasborough	Colborne
Carlisle	Duffrin
Cowper	Elphinstone
Chichester	Eddisbury
Effingham	Erskine
Granville	Foley
Grey	Kinnaird
Harrowby	Methuen
Leitrim	Milford
Minto	Monteagle
Morley	Overstone
Strafford	Sudeley
Scarborough	Say and Sele
St. Germans	Truro
Shaftesbury	Wodehouse
Waldegrave	Wharnccliffe
Yarborough	

Amendment negatived.

House resumed. Bill reported without Amendment.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 15, 1850.

MINUTES.] PUBLIC BILLS. — 1st Militia Pay; Fisheries.

2nd Attorneys' Certificates; Highway Rates; Cruelty to Animals (Scotland).

Reported.—Upton cum Chalvey Marriages Validity.

3rd Militia Ballots Suspension; Loan Societies; Ecclesiastical Jurisdiction; Population; Population (Ireland).

MERCANTILE MARINE BILL.

House in Committee.

Clause 24.

MR. ANDERSON objected to the system of registering tickets. He said, that it had proved perfectly useless for the object for which it was established, namely, to facilitate the manning of the Navy. It was a source of great trouble and annoyance, both to seamen and shipmasters. Tickets might soon be had of any crimp for half-a-crown. He gave a detailed illustration of the usual mode of evading the law, by purchasing tickets of crimps, and entering on board vessels under feigned names; that the ticket could not even discriminate a foreign from a British seaman, and that, leading as it did to falsehood and deception, was a cause of much demoralisation among seamen. He said, there was only one practical mode of manning the Navy promptly and efficiently, and that was by giving wages equal, or nearly so, to what seamen could earn in the merchant service. Let them do that, and a line-of-battle ship would be well manned in as many days as it now required months to do it. He should move that the latter portion of this clause, as well as the following, be struck out of the Bill.

Amendment proposed, page 10, line 35, to leave out the words from the word "be" to the end of the clause, in order to add the word "repealed," instead thereof.

MR. LABOUCHERE opposed the Amendment, observing that, although there were many defects in the present system of registration, the general principle of registration was a sound one, and he could not consent to abandon it. The Bill, as at present worded, proposed to transfer the duties of superintending the registration from the custom-house officers to the shipping officers at the various ports, who were to be amenable to the Board of Trade.

MR. J. L. RICARDO thought that the registration system was greatly to be objected to both in principle and practice. It occasioned the country an annual expenditure of from 10,000*l.* to 12,000*l.*, and it was not productive of the smallest advantage. He thought it was highly objectionable, for there was no denying that the real purpose of registration was to facilitate impressment. There would be no possibility of impressing seamen if there were no registration of their names; and as he considered impressment a grievance to

the owners of merchant ships, he should vote in favour of the Amendment.

ADMIRAL BERKELEY said, with reference to that particular objection to the Bill which related to impressment, that in periods of emergency all loyal citizens, whether on sea or shore, ought to be prepared to defend their country, and seamen were not liable to be balloted for the militia.

MR. MACGREGOR admitted the faults of the present system, but he hoped that they would be corrected when the system was placed, as it was now proposed to be, under the superintendence of the Board of Trade. He should vote against the Amendment.

MR. A. HASTIE was willing to leave the management of the registration system in the hands of the right hon. Gentleman at the head of the Board of Trade.

Question put, "That the words 'vested in the Board of Trade' stand part of the Clause."

The Committee divided:—Ayes 46; Noes 25: Majority 21.

Clause agreed to, as were Clauses 25 and 26.

Clause 27.

MR. WAWN wished for some information relative to the appointment of the shipping officer.

MR. LABOUCHERE said, that in all ports where there was sufficient trade to require a shipping officer, local boards would be established, and these would have the power to appoint the shipping officer.

MR. MOFFATT moved the omission of this and the five following clauses, on the ground that they imposed on the shipping interest a new burden and new obstructions. They interposed the interference of this new shipping officer in regard to the engagement of men, the payment of the crew, and the clearance of vessels. It imposed a delay in the case of the British shipowner in breaking bulk, to which the foreign shipowner would not be liable, and he believed would multiply crimps in every port.

MR. LABOUCHERE thought the establishment of shipping officers was one of the main advantages which this Bill gave to the merchant. At present the law interfered in the engagement of seamen; no man could hire sailors for any ship except he were an agent licensed by the Board of Trade. Instead of these licensed agents, whom it had been found impossible to separate altogether from the practice of crimping, in future there would be a per-

son, not under the influence of the Board of Trade, but appointed by a local board, a man of respectability, in whom confidence could be placed, and who should have the superintendence of all contracts. The same system which he now proposed to establish existed in the Hanse Towns, Sweden, and other maritime States with the greatest benefit. The same system had been established in Canada, and with the greatest success. These shipping officers would be valuable, not only in securing the seamen from the abuses which they were now liable to from the interference of crimps, but would confer a great advantage in point of economy on the shipowner. Mr. Green, of Blackwall, though he had himself established a sailors' home for the seamen engaged in his own vessels, was one of the persons who most strongly urged upon him the adoption of this part of the Bill.

MR. WAWN was not prepared to admit that a system which might be very applicable to Canada was equally fitted for every port in this kingdom. Had there been any demand for any such regulation from the port he represented, or from any other? What the shipping interest desired, now that all their privileges had been taken away, was to be left alone to compete with the foreign shipowner as best they might.

MR. W. BROWN thought the practical working of these clauses was not understood, or they would not have been opposed. He said the Sailors' Home at Liverpool had been productive of the greatest advantages, inasmuch as it facilitated the masters in obtaining crews, and enabled the crews to lay by their savings.

MR. ANDERSON thought the right hon. Proposer of the measure was bound to make out a case against the shipowners before he introduced such clauses as the present.

MR. LABOUCHERE said, he had received the strongest representations from all parts of the country against the operation of the present system, and that the order and regularity which would be established by the shipping offices, though crimpage might not be altogether abolished, would be attended with the best results.

MR. FORSTER asked what good the clauses would effect if they did not put down crimpage? He denied that the Bill had the support of the shipping interest generally. It contained, indeed, a couple

of good clauses, but it also contained very many bad ones.

MR. STAFFORD said, he had received a very strong remonstrance against the whole Bill from the Limerick Chamber of Commerce.

MR. LABOUCHERE said, that although Limerick might oppose the Bill, the citizens of that place had expressed themselves strongly against the crimpage which had been going on at the St. Lawrence until a shipping office was established there.

MR. J. L. RICARDO said, the great difference between this Bill and former Bills regulating maritime affairs was this, that the measure now before the House placed a most important duty in the hands of more respectable persons than those who exercised it heretofore.

LORD J. MANNERS said, the right hon. Gentleman the President of the Board of Trade, after having destroyed protection, was now coming forward and asking for fresh protective powers in favour of the employed.

MR. CARDWELL called upon the House to proceed to a division, as the minds of hon. Members were thoroughly made up as to how they should vote.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 67; Noes 9: Majority 58.

Clause agreed to.

House resumed.

Committee report progress; to sit again To-morrow, at Twelve o'clock.

SUNDAY LABOUR IN THE POST OFFICE.

LORD M. HILL appeared at the bar, and said: I have had the honour of waiting on Her Majesty with the Address of this honourable House; to which Her Majesty has been pleased to return the following gracious Answer:—

"I have received your Address, praying that I will cause an inquiry to be made whether the amount of Sunday labour in the Post Office might not be reduced without completely putting an end to the collection and delivery of letters, &c., on Sundays; and I have given directions that such an inquiry shall be instituted."

RECONSTRUCTION OF THE ZOLLVEREIN.

MR. STANFORD begged to ask the noble Lord the Secretary for Foreign Affairs whether Her Majesty's Government has received from the resident British

Ministers at the several Courts of Austria, Prussia, and the other German States, any documents and despatches on the subject of the contemplated reconstruction of the "Zollverein," or German Customs Union: whether such despatches convey any opinion how far such reconstruction of the Zollverein would affect the commercial relations at present existing between Great Britain and the several German States: and whether there is any objection to lay such despatches and documents (if any) on the table of the House?

VISCOUNT PALMERSTON: I have had a great deal of correspondence with Her Majesty's Ministers in different parts of Germany upon the subject to which the hon. Gentleman's question relates. The question refers to a reconstruction of the Zollverein, by a contemplated revision of the tariff of the Zollverein. But the matter is still in that state that it would be impossible for me to lay before this House any papers that would give any result. The whole thing is, I may say, in the beginning of a discussion in Germany. The only way in which I apprehend that that which is about to be done would affect the commercial interests of this country would be the cases in which the duties now levied on articles coming from England would be materially increased. I can hardly say how far that is likely to be the case. Probably with regard to some articles the duties will be diminished; whilst with regard to others, there is an expectation that they may in some degree be increased. Of course, I need not say that Her Majesty's Ministers abroad are instructed, or will be instructed, to endeavour to dissuade the Governments in question from any increase of duties. There is a question pending as to whether the whole of the Austrian empire, that is, all the Austrian possessions, should be included in and combined with the German Zollverein; but that question as yet has not arrived at a point which renders it likely that any incorporation of the Austrian empire will take place.

THE SEWERS COMMISSION—MR. FRANK FORSTER.

VISCOUNT DUNCAN begged to ask the noble Lord the Member for Plymouth why the Metropolitan Commissioners of Sewers, when, on the 23rd of November, 1849, they made a by-law creating the office of engineer, and charged the ratepayers with the sum of 1,500*l.* a year for the salary and travelling expenses of such officer, publicly announced

to the ratepayers that the name of the individual whom they had selected was Mr. Frank Foster, and so continued this designation until January 11, 1850, when, having confirmed the by-law and completed the appointment, the power of the ratepayers to object to such appointment, under the Act 11th and 12th Vict., c. 112, had expired?

VISCOUNT EBRINGTON replied that Mr. Frank Foster had been spoken of in the highest terms by both Mr. Stephenson and Sir H. De la Beche, and that he believed that gentleman to be perfectly competent to take the office of engineer to the Metropolitan Commission of Sewers. There could be no mistake as to his identity. And when it was discovered that his name ought to be spelt Forster instead of Foster, that mistake was at once rectified.

VISCOUNT DUNCAN would then put the second question of which he had given notice: namely, upon what authority, verbal or written, the Metropolitan Commissioners of Sewers changed the name of the individual originally announced as Mr. Frank Foster into Mr. Frank Forster.

VISCOUNT EBRINGTON: Because when the commissioners found out their mistake, they felt bound to rectify it.

VISCOUNT DUNCAN wished to know whether the name appended to the return (Sessional Paper No. 481, of Session 1850) as Francis Forster, engineer, was that of the person originally announced as Mr. Frank Foster, and subsequently designated by the Metropolitan Commissioners of Sewers as Mr. Frank Forster.

VISCOUNT EBRINGTON had just seen the return, and there was a mistake in copying the name.

VISCOUNT DUNCAN: Was the engineer to the Metropolitan Commissioners of Sewers the same person as the Mr. Francis Forster who valued the Congreave property at the request of James Henry Shears, and whose depositions, as a witness, appeared at page 77 of the appeal case of "Small v. Attwood" in the House of Lords.

VISCOUNT EBRINGTON: His noble Friend had fallen into a mistake similar to that with which he charged the Commissioners of Sewers. Instead of the Congreave property, the noble Lord should have said the Congreaves property. As the question implied some imputation upon the character of Mr. Forster, he thought it right to state that he was the same person who gave evidence in the case alluded to, and

that he was desirous that the matter should be thoroughly investigated in the proper quarter.

Subject dropped.

COURT OF CHANCERY.

MR. W. P. WOOD rose to put a question to the noble Lord at the head of the Government at the request of the Select Committee on Fees in Law and Equity, of which he (Mr. Wood) had been acting as chairman. The House was aware that a new Lord Chancellor had just been appointed. This Committee recommended, in 1848, that all the officers of the Court of Chancery should in future be paid by salary instead of by fees. That recommendation had not, however, been acted upon in any legislative manner. But the late Lord Chancellor, Lord Cottenham, had, even before that report, so far recognised the justice of the principle, that by a mere private arrangement between himself and several of his officers, he had directed such payments to be made. For instance, he had directed that his own chief secretary, whose income from fees would have been nearly 3,000*l.* a year, should receive only 1,200*l.*, and pay the remainder over to the fee fund; that the Secretary of Bankrupts, whose fees would have been 1,800*l.* a year, should receive only 1,200*l.*, and account for the remaining 600*l.*, which that gentleman had paid his private banker to abide the Lord Chancellor's order; and that two Gentlemen of the Bedchamber, who would have received 1,200*l.* each from fees, should each receive 700*l.*, pay a trainbearer 200*l.* a year, and account for the surplus to the fee fund. The House would perceive that all this was a private arrangement, which determined upon Lord Cottenham ceasing to hold the office of Lord Chancellor; and therefore it was extremely important, with reference to that circumstance, and also to the circumstance that there were no less than six secretaries to the Lord Chancellor, that at the request of the Committee, and not at all doubting the inclination of the noble and learned Lord who now held the office of Lord Chancellor to effect every useful reform, he (Mr. Wood) should put this question, whether Her Majesty's Government would assure the House that every appointment made or to be made by the present Lord Chancellor would be subject to the revision of Parliament, with reference to the continuance of the office, and to its emoluments, if continued; and, secondly, if Government

intended to introduce any Bill in the present Session of Parliament for the abolition of useless offices in the High Court of Chancery, and the payment of its effective officers by salary instead of by fees?

LORD J. RUSSELL: In answer to the first question I have to state that every appointment made by the present Lord Chancellor will be subject to any alteration or any abolition of office to which Parliament may assent. With regard to the second question I have to say that some communications have passed between Lord Cottenham and the present Attorney General with regard to the abolition of offices; but I am not sure, the Attorney General not being in London at present, what was the ultimate effect of those communications. I cannot, therefore, at present say whether it will be possible to introduce a Bill into Parliament with regard to any of the offices to which the hon. and learned Gentleman has referred.

MR. HENLEY: Is the House to understand that the same arrangement has been made with regard to the office of Chief Justice of the Common Pleas, as with regard to the fees and patronage of the Lord Chancellor.

LORD J. RUSSELL: I did not think it necessary to make any arrangement with regard to the office of Lord Chief Justice of the Common Pleas. I consider they are all subject, whilst there is an inquiry going on, to the revision of Parliament.

MR. HUME: About six weeks ago I put a question to Her Majesty's Government with regard to the pension of the late Lord Chancellor. I wish now to inquire whether, upon the retirement of the present Lord Chancellor, he is to receive the same rate of pension as the other three Chancellors who are now retired, namely, 5,000*l.* a year; or whether any arrangement has been made by which he holds the office subject to any alteration Parliament may make with regard to future pensions?

LORD J. RUSSELL: He has taken office subject to any alteration which may be made in that respect. But that there may be no misunderstanding, I beg to say that, though the office is subject to any alteration in the retiring pension which may be made by Parliament, I am not prepared to recommend such a course.

Subject dropped.

ATTORNEYS' CERTIFICATE BILL.

Order for Second Reading read.

LORD R. GROSVENOR said, in rising

to move the Second Reading of the Bill to repeal the Attorneys' and Solicitors' Annual Certificate Duty, he was happy to say it would not be necessary for him to trespass at any length upon the patience of the House. He would not inflict upon them the speech which he made in submitting this measure to their consideration, nor would he weaken by repetition the convincing arguments of the hon. and learned Member for Abingdon; but he did trust that the House would grant him its indulgence for a few minutes whilst he called its attention to the altered circumstances in which this question now appeared from those in which it was placed when first introduced to their notice.

On the 26th of February he moved for leave to bring in this Bill, and, after his statement, instead of replying to his arguments, the Secretary of the Treasury proposed that the debate should be adjourned until after the financial statement; the plea being, that the House should not be incautiously led to repeal a tax before it had inspected the budget of the Chancellor of the Exchequer, and taken a general view of the resources of the empire. To this proposal he gave his consent. On the 16th of March the financial statement was made, on the 2nd of May the debate was resumed, and though the Motion was resisted by the whole strength of the Government, the House declared by a majority of 19, in a full House, that the Bill should be read a first time. Was there ever a more deliberate act heard of than that? Introduced February 26th—postponed till after the financial statement—that statement made on the 16th of March, and six weeks afterwards, with complete knowledge of every part of the case, the House decided by a considerable majority, that this unprincipled tax should no longer disgrace the Statute-book. It was always an unfortunate thing when the House was induced to rescind its own resolution, because it was invariably accompanied with a certain degree of loss of character; that evil was aggravated when the same Session witnessed both the resolution and its rescision; but of all the cases that had happened in his recollection, the House would evince the most deplorable vacillation, should it unfortunately be persuaded, which he could not believe till he saw it, then to reject the second reading of the Bill. He perhaps had already stated sufficient grounds why the House, if it

had any sense of its own dignity, should consent at once to the Motion he was about to make. But he should be glad to be indulged with the attention of the House for a few minutes to demolish one or two of the cavils—he could not call them arguments—which had been made use of against the Bill. It had been said that the tax was in fact only part of a great system of taxation, whereby the Government, through the Stamp Duty, granted licences to carry on certain callings; and if they repealed one, there was no reason why they should not repeal them all. There never was a more complete misrepresentation than this, of the facts in reference to the Annual Certificate Duty; and in order to demonstrate this, he need only recur to the very instance which his right hon. Friend the Chancellor of the Exchequer unfortunately stumbled upon to illustrate the truth of his own position. What! said his right hon. Friend, you would repeal the duty upon Attorneys' Certificates of 8*l.* or 12*l.*, and leave the horsedealers to pay their annual duty of 15*l.* The comparison was not much relished by the profession; of course he acquitted the Chancellor of the Exchequer of any intention to disparage his clients, but if any one were to propose to relieve the horsedealers from the licence they paid, they would give him very little thanks for his pains, for the moment they were free from the tax, they would become, and most justly, liable to the horse duty from which they, in consideration of the annual licence, were exempted. But so far from granting the attorney any exemption from other taxes on account of this duty, Parliament levied upon him a sum producing yearly the same amount, or very near it, in the shape of articles and admission stamps, which the Bill, should it be carried, left still untouched. He would not weary the House by going through other items of the licence duties in comparison with this duty; but he would content himself with asserting that, either in principle or in degree, they all entirely differed from it: some conferred privileges, some immunities; some were for the protection of the revenue, and should any one quote an instance to the contrary, he would, if allowed a reply, undertake to disprove it before the House should go to division. A word as to an *ad captandum* assertion which was made by his right hon. Friend, when told that several hundred attorneys

were lately unable to continue their profession, on account of their inability to pay the duty within the prescribed time. He (the Chancellor of the Exchequer) said, why, there was no want of recruits who yearly enrolled themselves. That was accounted for in two words; although there were many blanks, there were considerable prizes in the profession, and so long as the spirit of enterprise which characterizes this nation remained, there would never be wanting those who would encounter the risks with the hopes of rising to a successful and honourable position. In regard to the revenue, the last returns showed that unless some unforeseen misfortune occurred, Parliament need entertain no apprehension of being unable to meet the just demands of their creditors; the whole sum in question for the three kingdoms did not exceed 120,000*l.* Nor need any one fear lest he should make the profession too tempting on the score of economy, for when this tax was removed, as he had already shown, the profession would still be burdened with enormous stamp duties, and it was the only liberal profession so treated. It had also been asserted that the attorneys had improperly attempted to use the influence which they possessed in order to get rid of this tax. Doubtless they had petitioned, and requested Members' attention to the subject, but he had never heard that these requests were couched otherwise than in the most respectful language; and what would have been said, supposing they had remained silent? Why, it would have been inferred that they were indifferent upon the subject; and he thought it much to the credit of the wealthier portion of the profession, to whom the payment of the duty was a matter of comparative indifference, that they had exerted themselves so much to free that other portion less fortunately situated than themselves from so onerous an impost. These gentlemen had for the last twenty years never ceased to petition to be relieved from this most unprincipled, and, in the great majority of cases, namely, the smaller incomes, most unjust and oppressive tax. They say, that this House in its conduct towards them, sets an example of that rapacity which they are not slow to stigmatize in others. He trusted that by the votes that night, the House would confirm to them that act, the tardy act he would call it, of justice, which they so well commenced on the 2nd of May; above all, that they would

not lower the dignity and credit of the House, by reversing a very recent decision arrived at under circumstances of almost unprecedented deliberation.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

THE CHANCELLOR OF THE EXCHEQUER moved, as an Amendment, that the Bill be read a Second Time this day Three Months; and commenced by observing that, in all probability, every Gentleman in the House had, like himself, received a circular letter signed by every attorney and solicitor in England, urging him to vote for the repeal of this duty. But he would never believe that Members of the House of Commons were prepared to give their votes under pressure of this description. He would never believe that the House of Commons would not, whilst considering the facts and circumstances upon which this case rested, also consider the claims of every other portion of the community; and believing that, he confidently called upon the House not to consent to the repeal of a duty for which no sufficient reason had been given. If the House were prepared to insist upon the repeal of taxes to the amount of 100,000*l.* a year, he begged to remind them that there were many others which might be repealed with greater advantage to the public. If he were about to propose a new tax, the House would call upon him for, and he should be bound to show, good reasons why it was the best tax that could be imposed for the purpose: in like manner, when the question was the remission of a particular tax, those who called for its repeal were bound to show the House not only that the tax was objectionable, but that its remission was the measure which would afford the greatest relief to the country. It seemed to him, upon a due consideration of the whole case, that no adequate reasons had been shown why this particular tax, of all others, should be selected for repeal. This tax had existed for fifty years; up to the present year it had been paid without much objection or murmuring, and no adequate reason had been given why it should be now especially selected for repeal. This was only one of a considerable number of licences for persons to carry on different professions from which revenue was derived. There were about five-and-thirty classes of persons subject to licence duty; and he could not see that attorneys and solicitors had superior claims to exemption

over bankers and others. There were auctioneers, for example, who paid an annual duty. If the House repealed an annual duty because it pressed upon an influential body of men, were they prepared to refuse a similar advantage to another class because they were weak, and whose claim was just as strongly founded on justice? He, therefore, called upon the House to put aside all pressure, and take a larger view of the subject than that put forward by his noble Friend. No doubt it was disagreeable to say "no" to personal friends who might address hon. Members; but that was a duty which, in the situation he had the honour to hold, he was compelled to perform every day. Let hon. Gentlemen remember that they had been sent into that House, not to be actuated by personal considerations, and that it was no less their duty than it was his own to act upon public grounds with reference to this tax, if, as he contended, no case had been made out for its repeal. There were many other taxes which, as he had already said, might be repealed with more advantage to the people than the attorneys' certificate duty, if the House were going to repeal any at all; and he could not forbear remarking that its existence did not seem to be any peculiar burden, for he found that the number of persons applying for admission into the profession was yearly increasing. Hon. Gentlemen had this Session pressed upon him the necessity of reducing the duties on timber, coffee, stamps, and other articles. All these were very desirable; but if 100,000*l.* were taken away now by the remission of these licence duties, those hon. Gentlemen who were anxious for the remissions he had spoken of, must remember that they were to this extent creating an obstacle to the attainment of their own wishes. Another thing they should recollect was, that this Bill applied only to England, but that Ireland and Scotland had an equal claim to relief. Indeed he had received letters from members of the various licensed classes, one among the rest from a notary, and all asserting an equal claim for exemption with the attorneys. He believed the truth to be, with regard to the latter, that whatever might be the charges to which they were subject, the cost ultimately fell on the public; and he had heard that, when their bills of costs came to be taxed, they constantly put in their expenses as a justification of their costs. They charged invariably 3*s.* 4*d.* and 6*s.* 8*d.* for every

letter they wrote; and he did not know that, if his noble Friend succeeded in getting the Bill read a second time, he was prepared to propose a clause in Committee providing for an immediate reduction of the charges for these letters. If so, the measure might be of some benefit to the public, but not otherwise. He did not believe, therefore, that the public at large would derive any benefit from the remission of a tax upon a profession which, he must with all respect say, he had never yet known in a state of distress—a profession, too, which was not unmindful of its own interest in this matter, because he found that, though they were to derive this boon from the public, the Bill proposed to increase certain fees materially. For example, for a certain certificate they proposed to exact a fee of 10s., for which at present only 1s. 6d. was charged. For these reasons he called upon the House not to agree to the second reading of the Bill. If they were prepared to sacrifice so much revenue, there were many other items of taxation, by the remission of which greater relief would be given to the public; and, therefore, he called upon all who were anxious to obtain remissions which would confer the greatest benefit upon the people, to join him in resisting the proposition.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day Three Months."

MR. MULLINGS said, the right hon. Gentleman had compared the annual certificates of solicitors with the licences of bankers, auctioneers, and other persons; but it should be remembered that when a young man was articled to an attorney he had to pay 120*l.* for the stamp, and sometimes a premium of 500 guineas; when admitted he had another stamp duty to pay amounting to 25*l.* The case of an attorney was not parallel, therefore, to the case of a banker or an auctioneer. It should also be recollected that the business and profits of attorneys had been materially lessened by legislative enactments since the present annual certificate duties were imposed. The Bankruptcy and Insolvency Acts; the abolition of fines and recoveries; of arrest for debt upon mesne process, and of assignments of attendant terms of years; the passing of the County Courts Act; and, last year only, the taking away from the discount upon the purchase of stamps, amounting to 46,000*l.* a year, now wholly saved to the Exchequer, have

greatly injured the attorneys, and given them a fair claim to relief from an annual certificate duty not paid by any other class under similar circumstances.

MR. BASS said, the case had not been fully stated by the Chancellor of the Exchequer, as there were many other industrious classes which were taxed to a much greater extent than attorneys. He had himself to pay 100*l.* a year in licence duties; and he saw no reason why such a special mark of favour should be conferred upon the attorneys. It would not be to the credit of the House if it were to declare that the tax upon attorneys was that which was most burdensome upon the people.

MR. MUNTZ said, that the Chancellor of the Exchequer seemed to infer that hon. Members would vote for the Bill only because they had been asked. Now, he had certainly been asked to vote in favour of the Bill; but he should vote for it, not because he had been asked to do so, but because he objected to this kind of tax altogether. He objected to a certificate duty being placed upon any trade or profession; and if any other Motion of a similar nature to the present were brought before the House, it should equally have his vote.

MR. GOULBURN said, that the hon. Gentleman who had just sat down had given the strongest possible reason why the House should be cautious in the step they were now asked to take. That hon. Gentleman had told them frankly that he was prepared to vote not only for the repeal of the present tax, but for the repeal of every other tax of the same description; in other words, that he was prepared to jeopardise the revenue to the amount to above 1,000,000*l.* in support of the principle involved in the present Motion. The hon. Gentleman, he admitted, acted consistently with his theory, but very detrimentally to the revenue of the country; for there was nothing more fatal to the revenue than that individuals should bring forward small taxes for remission which appeared of themselves of small amount, but which involved a principle which others were ready to apply, and which, if adopted, would render it impossible to maintain the revenue of the country in a satisfactory condition. He agreed with the Chancellor of the Exchequer, that there were many other taxes which ought to be repealed in preference to this.

MR. BRIGHT said, that on the last

occasion when this question was before the House, he had voted with the noble Lord the Member for Middlesex, believing that he was relieving a certain class from an unjust and oppressive impost. Since then, he had had some correspondence with solicitors, as he believed had every Member of that House, and he found that there was a great difference of opinion among them on the subject. One of them—a man eminent in his profession—had told him that he believed the attorneys had exemptions equivalent to what they had to pay. He was bound to say that the majority were of a different opinion. Agreeing with the hon. Member for Birmingham that all these taxes upon trade were of a very obnoxious character, he was sorry not to have heard from the Chancellor of the Exchequer on some former occasion such a statement respecting a general measure of repeal as would justify him (Mr. Bright) in supporting the Government; but, feeling certain that next year there must be a general revision of taxation, and knowing that many callings had an equal right to exemption; and moreover, as it would be inconvenient, indeed impossible, to proceed to the necessary revision on the measure they were then discussing, he thought it would hardly be expedient to give a particular remission during the present Session. If he now voted against the Bill, it should be with the hope that the whole question would be brought under revision in the ensuing Session.

COLONEL SIBTHORP: The Ministerial fit is on the hon. Member. He is angling for a place.

LORD R. GROSVENOR, in reply, said, he intended to include in the Bill attorneys and solicitors in Ireland and Scotland.

Question put, "That those words 'now' stand part of the Question."

The House divided:—Ayes 139; Noes 122: Majority 17.

List of the AYES.

Adair, R. A. S.	Booth, Sir R. G.
Agillonby, H. A.	Brisco, M.
Alcock, T.	Broadwood, H.
Anstey, T. C.	Brooklehurst, J.
Arkwright, G.	Brown, H.
Bagot, hon. W.	Bruce, Lord E.
Baldock, E. H.	Burrell, Sir C. M.
Barrington, Visct.	Cabbell, B. B.
Bateson, T.	Cayley, E. S.
Benbow, J.	Chatterton, Col.
Beresford, W.	Cochrane, A. D. R. W. B.
Blewitt, R. J.	Cocks, T. S.

Cole, hon. H. A.
Coles, H. B.
Collins, W.
Compton, H. C.
Deedes, W.
Denison, E.
Dickson, S.
Disraeli, B.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Evans, Sir De L.
Evans, J.
Evelyn, W. J.
Fagan, W.
Fellows, E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gooch, E. S.
Gore, W. O.
Granby, Marq. of
Greene, J.
Greene, T.
Hall, Sir B.
Hamilton, G. A.
Hastie, A.
Heald, J.
Henley, J. W.
Henry, A.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hildyard, T. B. T.
Hood, Sir A.
Hope, H. T.
Hornby, J.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Kershaw, J.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Locke, J.
Lopes, Sir R.

Lushington, C.
Meagher, T.
Mahon, The O'Gorman
Manners, Lord J.
March, Earl of
Martin, J.
Matheson, Col.
Monnell, W.
Moody, C. A.
Morris, D.
Muntz, G. F.
Norreys, Lord
O'Brien, J.
O'Brien, Sir L.
Pakington, Sir J.
Palmer, R.
Pearson, C.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Pugh, D.
Repton, G. W. J.
Richards, R.
Sadleir, J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scott, hon. F.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stuart, Lord D.
Stuart, J.
Thompson, Col.
Thompson, G.
Trollope, Sir J.
Turner, G. J.
Vesey, hon. T.
Vyryan, Sir R. R.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Welby, G. E.
Williams, J.
Williams, T. P.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.

TELLERS.

Grosvenor, Lord R.
Mullings, J. R.

List of the NOES.

Anson, hon. Col.	Birch, Sir T. B.
Armstrong, Sir A.	Blackstone, W. S.
Baillie, H. J.	Bouverie, hon. E. P.
Baines, rt. hon. M. T.	Boyle, hon. Col.
Baring, rt. hon. Sir F. T.	Bright, J.
Barnard, E. G.	Brockman, E. D.
Bass, M. T.	Brotherton, J.
Beckett, W.	Brown, W.
Bellew, R. M.	Buxton, Sir E. N.
Berkeley, Adm.	Carter, J. B.

Caulfeild, J. M.	Lockhart, A. E.
Cavendish, hon. C. C.	Mackinnon, W. A.
Cobden, R.	M'Gregor, J.
Colebrooke, Sir T. E.	M'Taggart, Sir J.
Cowper, hon. W. F.	Mangles, R. D.
Craig, Sir W. G.	Matheson, A.
Dawson, hon. T. V.	Matheson, J.
Dick, Q.	Maule, rt. hon. F.
Dundas, Adm.	Melgund, Visct.
Dundas, rt. hon. Sir D.	Milner, W. M. E.
Ebrington, Visct.	Mitchell, T. A.
Ellico, rt. hon. E.	Moffatt, G.
Elliot, hon. J. E.	Molesworth, Sir W.
Enfield, Visct.	Morison, Sir W.
Fergus, J.	Mostyn, hon. E. M. L.
Ferguson, Sir R. A.	Mowatt, F.
FitzPatrick, rt. hon. J. W.	O'Connell, M. J.
Forester, hon. G. C. W.	Ogle, S. C. H.
Forster, M.	Ord, W.
Fortescue, hon. J. W.	Owen, Sir J.
French, F.	Paget, Lord C.
Goulburn, rt. hon. H.	Palmerston, Visct.
Graham, rt. hon. Sir J.	Parker, J.
Grenfell, C. P.	Powlett, Lord W.
Grenfell, C. W.	Pusey, P.
Grey, rt. hon. Sir G.	Rawdon, Col.
Grey, R. W.	Rice, E. R.
Hamilton, Lord C.	Rich, H.
Hardcastle, J.	Robartes, T. J. A.
Harris, R.	Roche, E. B.
Hastie, A.	Romilly, Col.
Hatchell, J.	Russell, Lord J.
Hawes, B.	Seymour, Lord
Herbert, rt. hon. S.	Sheil, rt. hon. R. L.
Heyworth, L.	Slaney, R. A.
Hobhouse, rt. hon. Sir J.	Smith, J. A.
Hobhouse, T. B.	Smith, M. T.
Howard, Lord E.	Smith, J. B.
Howard, hon. C. W. G.	Somerville, rt. hon. Sir W.
Howard, hon. J. K.	Spearman, H. J.
Howard, hon. E. G. G.	Sutton, J. H. M.
Howard, P. H.	Thornely, T.
Hume, J.	Towneley J.
Humphery, Ald.	Townley, R. G.
Hutt, W.	Tufnell, rt. hon. H.
Kildare, Marq. of	Villiers, hon. O.
Labouchere, rt. hon. H.	Wilson, J.
Lascelles, hon. W. S.	Wood, rt. hon. Sir C.
Lemon, Sir C.	Wyvill, M.
Lennard, T. B.	
Lewis, rt. hon. Sir T. F.	
Lewis, G. C.	
Littleton, hon. E. R.	

TELLERS.

Hayter, W. G.
Hill, Lord M.

Main Question put, and agreed to.
Bill read 2^o, and committed for Thursday.

ECCLESIASTICAL COMMISSION BILL.

House in Committee.

Clause 15.

SIR B. HALL begged to ask some Gentleman who was an Ecclesiastical Commissioner, in what manner the incomes of the Archbishops and Bishops were fixed? On looking over the report of the Committee which sat on the Ecclesiastical Commission, he found the Secretary of the Commission stating that the returns which had

been furnished by the Episcopal body respecting their incomes were of so fallacious a character that no just inference could be drawn from them. He wished to know, in particular, upon what principle the Commissioners had calculated the average income of the Bishop of Oxford? He found it stated, at page 50 of the Committee's Report, that the average income of that Prelate from the ordinary sources was 2,374*l.*, to which the Commissioners had added 3,500*l.*, making in all 5,874*l.*—being 874*l.* beyond the income contemplated by the Act of Parliament.

LORD J. RUSSELL replied, that the Commissioners had instituted inquiries upon the subject, and their returns were based upon the information so obtained. It was upon those returns of the average value of the property in each case that the Commissioners had fixed the amount of income which should be paid.

SIR B. HALL wished to know why, in the case of the Bishop of Oxford, 874*l.* had been paid in addition to the 5,000*l.* fixed by order of the Commissioners?

LORD J. RUSSELL: The principle on which the Ecclesiastical Commission fixed the sum to be paid to each bishop was according to the average income of the see for a certain number of years previous. In the case of the Bishop of Oxford, it was found that the average exceeded the 5,000*l.* by the amount stated, the receipts of the year subsequent to the Order in Council having been greater than those of the previous years. The object of the present clause was, to make a new arrangement for the future, by which the sum paid would, under no circumstances, be more or less than the amount fixed.

SIR J. GRAHAM considered that the clause would effect a great improvement upon the present system. He would take this occasion to fulfil a request of his right rev. Friend the Bishop of Oxford, that he would give an explanation as to a matter which, on a former evening, had been brought before the House by the hon. Member for Marylebone. When his right rev. Friend was presented with the see of Oxford, he was reminded that, by the Act of Parliament, he could hold no preferment in *commendam*, but reside within his diocese, the five bishops who preceded him in the see having, on the contrary, held extensive Church preferments in *commendam*, and but rarely resided in the diocese. When the bishop came to examine the episcopal residence, he found that, nearly

destroyed at the time of the Commonwealth, it had seldom been occupied since that period, and that to render it habitable required a considerable outlay. The Ecclesiastical Commissioners advanced for this purpose, in the first instance, a sum of 3,500*l.*, and subsequently a further sum of 1,300*l.*, the latter amount being applied to the removal of a public-house which had stood close to the palace. The bishop having found it necessary to expend an additional amount of 1,600*l.* upon the building, made an application to the Ecclesiastical Commissioners to be reimbursed; the Commissioners rejected the application, but suggested to the bishop to borrow the amount from the Queen Anne's Bounty Board; which was done, the bishop paying interest upon the loan, and a proportion of 1-30th of the amount annually, in the way of a sinking fund. This was the simple statement of the matter. It was not for him, as the bishop's personal friend, to enter upon a eulogy of the right rev. Prelate; but he believed that all who were really acquainted with the manner in which his right rev. Friend fulfilled his episcopal duty would bear testimony that his conduct was most exemplary; assiduous in his care for the people intrusted to him, affably accessible at all times to his clergy, and that, in all respects, his demeanour would bear the strictest scrutiny.

MR. GOULBURN had received a letter from the Bishop of London in reference to a statement made by the hon. Member for Marylebone, disputing the accuracy of the returns of the income of his see made to the Commissioners by that right rev. Prelate, which, with the permission of the House, he would read:—

"My dear Mr. Goulburn—In the *Times*' report of the debate on the Ecclesiastical Commissioners Bill on Monday night, Sir B. Hall is stated to have said that the present income of one of the bishops, the Bishop of London, was 50,000*l.* a year, and that it was quite absurd to adopt the bishop's own returns on the point. The absurd exaggeration contained in this statement it is perhaps hardly worth while to notice; but these imputations cast upon my honesty I think it right to repel, although I trust that my character is not such as to render such an imputation credible. I should be much obliged to you if you would take an opportunity of assuring the House of Commons, in my name, that the returns to which Sir B. Hall referred were strictly correct, and contain an exact statement of the income of my bishopric in the year to which they relate."

Of course, no one would for a moment believe that the right rev. Prelate had wil-

fully made an incorrect return; but he had thought it right to read this letter, in order that, if there should be any misunderstanding arising out of the hon. Baronet's statement, the House should be put in possession of the facts. Though he was inclined to think that there must have been some misapprehension as to what really fell from the hon. Baronet, for he could not suppose for a moment that he really intended to reflect on the character of the right rev. Prelate.

SIR B. HALL said, that what he had stated was this—that in 1837, the Bishop of London returned his income at 14,510*l.*; that in 1843 he returned it at 12,481*l.*, exhibiting a decrease of income of 2,029*l.* He had previously weighed the statement of the Secretary of the Ecclesiastical Commission, that the returns made by the bishops were fallacious; therefore, when he found that whereas the assessment of Paddington from 112,868*l.* in 1837, had risen in 1843 to 191,154*l.*, or an increase of 78,286*l.*, which increase was owing merely to the additional buildings upon the bishop's estate in that parish, he considered that he had come upon one of the fallacies suggested by the Secretary of the Commission. Some such fallacy would appear still more manifest from the subsequent assessment of the parish, which from 191,154*l.* in 1843, had risen in 1850 to 343,066*l.* It seemed quite inscrutable how, under such circumstances, the income of the bishop should not have very materially improved.

MR. GOULBURN said, that as the hon. Baronet had now stated the grounds on which he had made the charge, it was easy to explain how he had fallen into the error. It was quite true that a portion of the improved rental of the Paddington estate went to the Bishop of London, but only to the extent of one-third, the remaining two-thirds going to the representatives of the original leaseholders under the terms of the Act of Parliament. The hon. Baronet seemed, however, to suppose that the whole of the bishop's income was derived from this estate, but that was not the fact. It arose partly from the rental of that estate and partly from fines; and if from any accident the fines fell off (and the hon. Baronet must be aware that there was nothing more fluctuating than the receipts from those fines), the augmentation of one-third in the ground rents of the Paddington estates might be wholly inadequate to cover the deficiency arising from that cause. The hon. Gentleman was not justified,

therefore, on such premises, to impugn the character of the bishop.

SIR B. HALL wished to know exactly the items which constituted the difference between the gross and the net income. The Bishop of Exeter returned in one year 2,800*l.*, and in another only 241*l.*—how did that difference arise? With regard to the Bishop of Oxford, it appeared that, after receiving 4,800*l.* towards repairing the episcopal residence, he applied for 1,600*l.* more, and the Commissioners, in refusing him, found it necessary to remind him of the distinct agreement entered into by them, that the amount he was to receive for the purpose was the first sum paid—namely, the 3,500*l.* But it appeared that by the arrangement finally come to, the deficiency was to be supplied, not out of his own private means, but out of the episcopal funds.

MR. HUME would remind the noble Lord at the head of the Government, that in 1837 the House passed a resolution to the effect that the bishops should receive a fixed income, and it was determined, at the same time, that the surplus should be paid over to the general fund; but this had not been done. Now he would suggest that in any new arrangement this should be made imperative. He also wished to know what limit there was to be to the money laid out in enlarging and improving the episcopal palaces?

LORD J. RUSSELL said, that the hon. Gentleman was mistaken in saying that such an arrangement had been come to by the House, or that that was the understanding of the Act of Parliament. [Mr. HUME: There is a resolution to that effect on the journals.] He did not deny that; but the Act of Parliament said nothing of the kind, and the Ecclesiastical Commission having great objections to fixing the incomes at one unvarying standard, agreed that there should be a certain supposed income taken for the future, and if the receipts exceeded that, the bishop should have the benefit of it, and if it fell short he should suffer the variation. He now proposed to alter that arrangement, and that for the future the income should be fixed, and neither increased nor diminished whatever might be the receipts from the property of the see. With regard to the sums awarded for repairing and improving the palaces of the bishops—the ordinary repairs would in all cases be paid by the bishop out of his income, but if it should be necessary in any case to provide a resi-

dence for the bishop, as in the case of the see of Manchester, the Ecclesiastical Commission would make an allowance for that purpose. It was somewhat unfortunate for the bishops that their houses should be dignified by the title of palaces. Many of them were no better than the houses usually inhabited by country gentlemen of equal income; but they were called palaces, and people supposed, therefore, that they were like the royal palaces, and required large sums to keep them up. This was an anomaly, but it was one which it was not necessary to discuss at that time.

MR. HUME agreed with the noble Lord that it was unfortunate that these residences should be called palaces; but he thought when they saw such sums as 15,000*l.* required to build one of them, it was time to guard against a repetition of such extravagance. He would suggest that a clause be inserted in the Bill, providing that whatever might be the decision of the Commissioners, it should be always subject to the revision of the Treasury.

Clause agreed to.

Clause 16.

SIR G. GREY proposed an Amendment, making the maximum income of the deans 1,000*l.* instead of 1,500*l.*, as fixed by the Lords.

SIR B. HALL wished to call attention to a communication he had received from Hereford relative to the livings held by the dean of that cathedral. It had been stated that the recently-appointed deans had given up all the livings they held. Now he was informed in the communication to which he alluded that the Dean of Hereford had not resigned his living of Kings Sombourne, and that he had recently presented himself, with the concurrence of the chapter, to the living of Madley. The value of these two livings was 608*l.*, besides the income of the deanery. In the case of Bristol, also, the dean (as he was informed by a clergyman who had written to him from that place) had presented himself to the living of Alveston by consent of the chapter; and the rumour was that he had taken this living with the view of exchanging it for another. The value of this living was stated to be 799*l.* a year with a house within ten miles of Bristol. If this was true it was at direct variance with the arrangement suggested by the noble Lord at the head of the Government. He should like to know why English deans should be paid higher than Welsh deans.

The latter received 700*l.* per annum. Part of their duty was to preach in the church from which they derived their incomes; but there was only one dean in Wales who could preach in the Welsh language. One of them had lately made an attempt to read publicly in that language, but he pronounced it in such a way as to cause the most awkward mistakes. For instance, when he wanted to say "You shall go into everlasting life," he rendered the passage, "You shall go for pieces of meat." For a confirmation of this state of things, he would refer to his hon. Friend the Member for Macclesfield. But, with reference to the Principal of St. David's College, the Dean of Peterborough, the Dean of Canterbury, and other deans—how was it possible for these gentlemen to pay proper spiritual attention to their other livings, and to reside at the same time for a certain number of months in the year at their deaneries? He thought great blame attached to those who appointed persons to deaneries, whom they knew could not comply with the terms of the Act of Parliament. He contended that deans and canons were useless officers, and that unless some scheme could be devised for rendering them somewhat serviceable to the Church, the money was literally wasted when they were given these rich appointments and large incomes.

LORD J. RUSSELL said, the hon. Baronet seemed to have misunderstood the object of the clause, inasmuch as it did not propose to give the deans any more money than they already possessed. It was quite another matter whether the House should or should not alter their incomes. The question whether or not deans were of any use in the Church was a very large one. They certainly were part of the regular order of the Church. They were heads of the chapters, and he thought they were of great use in a cathedral town, for the general purpose of carrying on the business of the cathedral, and assisting in the spiritual business of the diocese. He intended to propose a clause, by which deans to be hereafter appointed would be prevented from holding any benefice or cure of souls which was situated further than three miles from their cathedral town. He had made inquiry as to what the Dean of Hereford was likely to receive from his former living, and he found that he would not receive anything until October, and that in

the meantime he would be subject to considerable expense in repairing the deanery house. He (Lord J. Russell) had, therefore, thought it wrong at once to deprive the Dean of Hereford of his former living; but he had stipulated with him, and a clause to that effect would be inserted in the Bill, that six months after he had accepted the deanery he should give up the living. With respect to the Dean of Bristol, he had received no information whatever; but if this clause passed he would be unable to hold any living which was situated at a greater distance than three miles from his cathedral.

MR. S. HERBERT quite agreed with the noble Lord as to the clause which restricted deans from holding livings beyond three miles from cathedral towns; but it appeared to him that it would be better to make an arrangement by which the deans might be compensated out of some particular, rather than the parochial fund.

MR. HUME contended that the understanding between the noble Lord and the House, when this subject was last before it, had been, that no larger salary should be received under the circumstances that had been now stated to the House in the Bishop of Oxford's case.

LORD J. RUSSELL: Due provision being made for the cathedral duties of the deans.

MR. HUME: That might be, but such a proviso, if established, did not meet the present question; which was, should these deans receive 1,000*l.* a year each? What was the necessity, after all, for deans, as a mere additional staff of the Church Establishment, if they performed no real or essential portion of the Church duty? Surely it were far better to take the large incomes they annually drew, and apportion them out in an equitable division among the poorer but harder-working clergy. The best means of increasing the value and efficiency of the Church itself in this country would be to do away with deans altogether. He should be prepared to move or to support such a proposition at a future stage.

SIR B. HALL begged to remind the Committee that he had not yet received any answer to the question he had addressed to Her Majesty's Government, namely, whether or not it was true that the Dean of Bristol had inducted himself in the first instance into a benefice, of which the living was ten miles distant from his

cathedral, in order afterwards to effect an exchange with the incumbent of another living being within three miles only of the seat of his deanery. He at present understood that the Dean of Bristol, after having, with the consent of the chapter, taken the living of Alveston, and holding the same together with his deanery, had endeavoured to make such an exchange as he spoke of with another clergyman, whose living was within the distance required by the Act of Parliament. Had this exchange been made on the falling in of this latter benefice in a regular manner, there might not have been so strong a case of objection to the dean's resigning the more distant benefice, and procuring himself to be inducted into the nearer one. But the mode in which the thing had been managed was a mere evasion, a palpable evasion, of the spirit of the Act.

LORD J. RUSSELL would only observe, with regard to the Dean of Hereford's case, that the words of the clause he had prepared would make the holding of any benefice conjointly with the deanery, under the circumstances assumed by the hon. Baronet, void within six months after such clause becoming law. As to the case of the Dean of Bristol, he was not sufficiently aware of the facts to be enabled to speak to them. The same liability, however, would apply in that instance also, as he should infer from the statement now made.

SIR B. HALL repeated his statement, and contended that the terms of the clause referred to would not compensate the injustice of the Dean of Bristol having been allowed, for his own purposes, to make such an arrangement.

LORD J. RUSSELL must refer the hon. Baronet to what the operation of the clause, as it stood, would be in all cases coming within its operation.

MR. W. P. WOOD felt bound to state, with regard to the deanery house, the money expended on which had been made the subject of much remark, that he had himself seen and examined the building. It had been for some years past in so dilapidated a state that no person could dwell in it with any reasonable degree of comfort. It was, in fact, almost beyond that stage at which repairs, however extensive, could be of any permanent service. With regard to the proposition of his hon. Friend the Member for Montrose, for sweeping away at once all the deans, he (Mr. P. Wood) could by no means go with him to that extent. He was not sanguine enough to sup-

pose, when his hon. Friend talked so lightly of that body having no duties, no labours to perform, that he could convince him they had. His hon. Friend, he knew, would not allow, but he thought the Committee would, that two, and frequently three services a day on Sundays, with perhaps two sermons and services on other days of the week, and perhaps the super-added supervision of endowed schools, were labours or duties of an onerous kind. But, at any rate, he must always protest against the removal of our deans and our canons, whose exertions had done so much to improve and elevate the most beautiful portions of the fine service of our Church. The hon. Member for South Wiltshire had already borne a well-merited testimony to their deserts in this particular. He (Mr. P. Wood) felt great doubts whether the clause under consideration, as at present worded, would not seriously prejudice the interests of the deans generally, and whether it might not have been more expedient to limit the disqualifying portions of the clause to deaneries of 1,500*l.* a year each, or upwards.

MR. GOULBURN would remind the Committee that his only anxiety was, that the clause should not be so worded as to work a degree of possible injustice to parties of the most serious character, and such as the House itself, in its former legislation on this subject, could never have contemplated.

MR. HUME, in reply to the remarks of his hon. and learned Friend the Member for Oxford, was ready to admit that if any deans performed church service two or three times on a Sunday, and read one or two sermons, they did work hard; but how many such were there? He remained of opinion that it would be far the better way to get rid of the whole body.

MR. HEYWOOD was in the habit of frequently attending among cathedral congregations, and he noted a growing decrease in their numbers.

The CHANCELLOR OF THE EXCHEQUER understood that some allusion had been made to the Dean of Ripon—[“No, no!”]—as having an income as dean of 1,000*l.* a year, and the revenues of a benefice besides. This was a mistake. The income of his deanery had not yet been made up to, or realised by, him. Whenever it might reach 1,000*l.* a year, the dean would be ready to renounce salary to that extent, which he meanwhile derived from his benefice.

SIR B. HALL said, that whether that individual received 1,000*l.* a year only, or not, he should persist in contending that the Dean of Hereford, under the Act of 1840, ought to have given up his living. On the bringing up of the report he would move that the salary of each dean in England should be reduced to that of the deans of Wales, who laboured most efficiently in their duties; namely, from 1,000*l.* to 700*l.* per annum. To show the effect of appointing deans for Wales who were ignorant of the language, he would mention a case that had lately come to his knowledge. The hon. Baronet read a letter from a correspondent of his, who stated that a case had lately come before the magistrates of a Welsh county, in which a minister of the Independent denomination had been brought up for neglecting to maintain his own family. The name of this individual—that is, his bardic name (for he was much fonder of running about the country after national gatherings of his Welsh countrymen than of attending to his pastoral duties) was Robin Dhua, or Robert the Black Bard of Snowdon. When asked by an Englishman clergyman, who holds already four good preferments in the Principality, and who sat on the bench, what he had to say to the charge of deserting his family, he answered—"I say, that when you pay me better than you now do—2*s.* 6*d.* for writing you seventeen Welsh sermons—I will take better care of my children."

MR. J. WILLIAMS said, it was not his intention to have taken any part in the debate now before the Committee, had it not been for the allusion made to him by the hon. Baronet the Member for Marylebone, in reference to his knowledge of the Welsh language, and the way in which some of the English clergy appointed to high ecclesiastical offices in Wales pronounced the Welsh language, and the great blunders they sometimes committed: it had been rumoured that a learned English dean now in Wales, and who had learnt how to read Welsh, had, at one period, in reading (parrot-like) our language, said, when he ought to have pronounced the following passage of Scripture, "Mi gaif y rhai Cyfiawn bwyd tragwydde," "The righteous shall inherit eternal life," instead of which he is reported to have said, "Mi gaif y Cywion bwyd y gwydde," which means, "The goslings shall devour the food of the geese." In fact, the Church in Wales

abounds in anomalies and abuses so monstrous, that common sense must be shocked at the idea of contemplating them. We find in connexion with that Church, Englishmen, deans and bishops, grasping the most munificent incomes, as our religious guides and teachers, who are utterly unable to give religious commands and promises in the language which the people understand. Now, Sir, fancy a Welshman from Bala—he said Bala, because the Chairman knew something of that district—and unable to speak one word of English, fancy that man appointed rector of Marylebone, or, if you like, Bishop of London, and you will see in its true light the glaring abuse which defaces the Church in our country, involving the interest of the moral, social, and spiritual condition of the people on the altar of the selfish ambition of English statesmen and political cliques. He would beg to call the attention of the Committee to this fact, that we have in Wales at this moment two brothers, sons of a late Bishop of St. Asaph, who have had the good fortune to be appointed to Welsh livings, and whose income from the Church (and neither of them understand one word of the Welsh language) is more than the income of eighty-seven curates, who are doing duty from one end of the year to another. What was this but the creation of sinecures, absorbing the pay whilst incompetent for the work—pocketing the money of the people, as the law directs, but whose souls they fail to inspire with the faith and hopes of the gospel? There are now doing duty daily at St. Asaph, two gentlemen of superior attainments, whose income for that daily duty at the cathedral is thirty pounds per annum. He begged to tell the noble Lord at the head of the Government that there were also at St. Asaph and at Bangor, he meant in the diocese, clergymen, Welshmen by birth and in feeling, who would do credit to the bench of bishops whenever they had the good fortune to gain that high position.

MR. CAYLEY wished to know what arrangement had been made in reference to the enactments of this Bill with regard to those of a Bill with similar objects, which had been already brought in, but was not being proceeded with?

DR. NICHOLL said, that the gravamen of the complaints of hon. Gentlemen opposite about Welsh preferments seemed to be, that they had been given to ministers not well acquainted with the Welsh lan-

guage. Now, as he knew a great deal of the course which had been taken with respect to most of the recent appointments, he begged to assure the Committee that it had been found most inexpedient, and indeed impracticable, to proceed on such a principle as those Gentlemen considered indispensable. So many and such grave objections had been made to parties, natives of the Principality, who had been recommended for them, that had they been appointed, the most serious and most general dissatisfaction throughout the whole of that part of the kingdom would have been infallibly excited.

MR. DRUMMOND thought it seemed a *sine quâ non* that the clergy and bishop of a diocese should speak the language of the people. It was the conduct of ecclesiastics which had brought matters to their present pass; and because deans and chapters had for years neglected their duties, hon. Gentlemen said they were of no use at all. Persons who neglected their duties were indeed of no use; but an argument from the neglect of an individual who held an office, was no argument against the office itself. Clergymen connected with cathedrals had lumped together four services, which took place at such a time that the poor man, if he attended, could not dine with his family in the middle of the day. It was the clergy of the Church who had destroyed the Church; and what little Christianity now prevailed was owing to Dissenters.

LORD J. RUSSELL was much obliged for the good case which the objections of some hon. Gentlemen had made out for his Bill.

MR. HUME allowed that one good effect of its enactments might be, that the Welsh and their children, if the clergy of the Establishment could not speak Welsh, must be taught English. It ought to be a primary object that the language in which the people are taught should be equally intelligible to them as to their teachers; and, for his part, he considered that money would be much more usefully expended in teaching the Welsh to read English, than in keeping up a knowledge of the language of Wales.

SIR G. GREY begged the Committee to remember, that the condition of previous knowledge of the Welsh had been amply fulfilled in the late appointment of the Bishop of Llandaff. He had been assured by competent authority that that Prelate's inaugural address to his flock was delivered in excellent Welsh.

SIR B. HALL thought that that one case, however thankful the Welsh were for so admirable an appointment, went little way to meet the objections he had taken.

Clause, as amended, agreed to, as were Clauses 17 to 21 successively.

MR. GLADSTONE then rose to bring forward the resolutions of which he had given notice. He said that the number of the bishops of the Church relatively to the population of the country was so different from what it was in former days, that the attention of the public was drawn to the subject. The smallness of the number of the bishops at the present day had a great effect in aggravating the evils which were complained of in relation to the Church. These were, that the bishops were too lordly and too remote in their position, and too much estranged from their clergy and people. All those evils were augmented by the number of bishops being allowed to remain the same, while that of the people had so largely increased. Another complaint was, that the bishops were secularised by the business they had to do. It was impossible to deny that this objection became stronger and stronger every year, because the secular business of the bishops increased every year, and the result was, as the hon. Member for Cocker-mouth had shown, that an English bishop was now become rather of the nature of a public functionary than a pastor of the Church. There were three modes substantially different of dealing with this evil. One was, the appointment of suffragan or assistant bishops. There were strong reasons why that course would not be beneficial. It would be a partial measure, and would not touch the main object of increasing the amount of episcopal superintendence, because the suffragan bishop would receive his power to perform his duties from his diocesan bishop, and would thus intervene between the diocesan and the clergy, thus increasing the evils of which they complained. The second mode of getting rid of the objections at present made to the constitution of the episcopal body was by creating an increased number of diocesan bishops, and two methods presented themselves for effecting this object. The first was that pursued at the time of creating a Bishop of Manchester. He confessed that he thought that there was much that was objectionable in that scheme, though he did not mean to charge the noble Lord at the head of the Government with

the responsibility of those faults in the plan which he had brought forward. Rightly or wrongly, however, Parliament was not likely to pass any more Acts for creating new bishops, with incomes of 4,000*l.* or 5,000*l.* a year; and if that were so, he would pass over without further remark that mode of increasing the number of bishops. Having a practical plan of his own to propose, he did not wish that there should be any other plan brought forward which had not a reasonable chance of being approved of by that House. The question came to this: would they have any new bishops at all, or would they consent to have bishops on an humbler and more restricted basis? The plan he had to propose completely set aside all thought of having new bishops who should be Peers of Parliament, or holding large incomes, and contemplated the appointment of bishops with dioceses of more manageable size and more limited income, and a nearer relation and proximity between them and the clergy than could be the case under the present system. He assumed that some such plan was the only one that could be carried out; and the substantial question was this, would they open the door to the creation of new bishoprics, or would they close the door? Such an appointment of new bishops as was proposed by him would not be hostile to the connexion between Church and State. It was not the business of a national church to make every man a good Christian, but it was the duty of a church to supply every man with the ordinances of religion and the means of instruction. That was the state of the Church in Scotland; but it was not so, he regretted to say, in the manufacturing districts of England. If they wanted to make the Church effective for pastoral purposes in this country, the plan, not indeed a certain plan, but the best that could be proposed under given circumstances, would be to increase the number of episcopal sees in those towns which were at present deficient in the means of spiritual instruction. He was anxious to combat the economical view which was taken of the question in that House, and for that purpose he would ask what they had done in the colonies? Formerly it was the practice to send out men with 300*l.* or 400*l.* a year to the colonies; and the consequence of giving them such small salaries was, that it was extremely difficult to get men with talent and learning to go there. Now the economical view to which he was opposed, would have been, not to

send out a bishop with 2,000*l.* a year, but a number of clergy with small incomes, and in point of fact that bad policy had been far too long pursued. An illustration would be found in the effect of founding a bishopric in Jamaica. A return which he held in his hand gave the increase in the colonies of the number of clergy with the increase in the number of bishoprics. Eleven bishoprics had been founded from 1825 to 1847; and the number of clergy, which at the former date amounted to 290, had increased to 652 in the latter year. Take Van Diemen's Land as an instance. In five years 19 clergymen had increased to 53 by 1847. When the bishopric of Melbourne was founded, there were only three clergymen in the diocese; but by 1849 the number had increased to 15. In 1847 the bishopric of Adelaide was created, and the increase in the number of clergymen in that diocese was, in two years, from 11 to 22. In Cape Town there were at the time the bishopric was erected 13 clergymen, and afterwards the number had increased to 38. Upon the whole, the general effect in the colonies of the erection of bishoprics had been, that, within three, four, and five years, the number of the clergy had been doubled and trebled. Why was this so? Not because pecuniary resources had increased in the same proportion, but because when a clergyman was placed there in an episcopal character, as head of the Church in the diocese, the clergy and the people both rallied around him, and the central spiritual brotherhood was attained. The object was not to send out bishops to discharge a great amount of secular, political, and routine duty, which would prevent them coming in contact with the masses of the people; but to take security that he shall be among that part of the population that was awakened to their spiritual interests, and who desired the foundation of a bishopric. These were the reasons for his proposing that a large sum should be found from private resources, without which no bishopric should be founded. That having been done, then it would be advisable to take care that the bishop who was sent was a person who, from his position, would be able to do the practical work of the Church, and let him, therefore, have an income sufficient for all purposes of charity and hospitality, and yet not such an income as would be a great object in a worldly point of view. For that purpose, make a rule and standard that should give

such a bishop. If he had made them too high, then lower them. His belief was that the foundation of an order of bishops of this kind would not be without its direct influence upon bishops of the present rank and order. He saw no danger to Church and State in sending bishops among those classes who were now without the ordinances of religion. On the contrary, he saw in it the only method in the least degree hopeful of really bringing those ordinances to the homes and hearts of the people. The influence of the appointment of this new rank of bishops upon the higher order now existing, would, in his belief, be beneficial. It would tend, as he thought, to raise and elevate their character, already so exalted, still higher; and, in his view, would greatly contribute to the security of the present order of bishops. When he spoke of the foundation of an order of bishops—for he granted that in some cases it would be a new kind of bishopric in England—he did not anticipate that there would be any considerable number of this order appointed. The foundation of new sees under the provisions he proposed would be slow; and probably no man now living would see, in his time, more than three or four of them erected. It would be observed that against any unnecessary increase he had made provision, because, in the first place, his proposition required that a large sum should be raised from private resources, and that a large sum should be at the disposal of the Minister of the day, as far as the choice of the person to be nominated was concerned. It could not be supposed to be a popular proposal, when it involved the necessity for such large funds to be advanced. Then the consents of all parties interested must be obtained. There must be the desire, on the part of the inhabitants, indicated by a large subscription; and there must be the consent of the bishop of the diocese out of which the new one was to be constructed, and the consent of the archbishop of the province and of the Ecclesiastical Commissioners; and, lastly, the consent of the Administration of the day, without whose approval no such proposal could, of course, be laid before the Queen in Council, or receive the assent of Her Majesty. Therefore, it would be seen that he had endeavoured to secure this proposition from anything of the nature of an abuse. He commended it, therefore, to the consideration of the noble Lord, trusting that the noble Lord would get rid of any apprehensions

that he (Mr. Gladstone) intended to propose a scheme that would be impracticable to carry out. He put this proposal under the consideration of the House, because he thought it had been proved that attention to the condition of the episcopate was the best mode of modifying and correcting the evils attending the present position of the bishops, and because he thought that to any persons who took a practical view of the episcopate, if it was not to be extended in its functions at all, that some such mode as that he had suggested was the only way to effect the object of such extension; for to speak of reviving such plans as had been proposed some two or three years ago was entirely unnecessary. He thought that the House must make up their minds to have no more bishops at all, if they waited for a scheme which seemed to vanish further and further from them every year, and to postpone any settlement indefinitely. He hoped, however, that the House would fairly consider what he firmly believed to be a practical scheme for the attainment of a practical object. He begged, therefore, to move the following clause:—

“ And be it enacted, that whenever it shall have been shown, to the satisfaction of the Ecclesiastical Commissioners, that the sum of thirty thousand pounds has been provided by private contributions towards the endowment of an episcopal see, in any place or district having a population of not less than one hundred thousand souls, or towards the erection of an episcopal residence, and that one-half at least of the said thirty thousand pounds has been contributed by persons residing or holding property therein, it shall then be lawful for the said Ecclesiastical Commissioners, if they shall think fit, with the consent of the bishop or bishops at the time having jurisdiction over such place or district, and of the archbishop of the province, to frame and to submit to Her Majesty in Council for Her approval, a scheme for the erection of a bishopric of such place or district, and of any parts contiguous thereto, accordingly; and to propose the appropriation towards the endowment thereof of any sum not exceeding fifteen hundred pounds per annum, from any moneys now standing to the credit of the episcopal fund, or hereafter to accrue to the Commissioners from any episcopal estate or property, or from the regulated annual payment of any bishop, or to propose the annexation to such see of any estate or estates vested in the Commission, and estimated to produce an average net income not exceeding the said amount, and in such case to make provision for the redemption of any portion of the said estate or estates, if it shall appear that at any future time its permanent net income is raised beyond the said amount, and likewise, subject to such consent as aforesaid, to define the limits of the diocese to be constituted; and when Her Majesty in Council shall be pleased to give Her assent to such scheme, it shall hold good in law to all intents and purposes, and the diocese so described shall be separated from all other episcopate.”

episcopal jurisdictions, and shall become subject to the sole episcopal jurisdiction of the bishop to be appointed thereto."

Clause was brought up and read a first time.

On the Question that it be read a second time,

LORD J. RUSSELL said, he wished rather to state the doubts he had of the adoption of any such clause as this, than to argue that it would be well to give all prospect of creating such bishoprics as the bishoprics of Ripon and of Manchester. It appeared to him that that was the plan which was in harmony with the constitution of this country; and that, where there were very large dioceses which had increased in population, that was the course to pursue, and that great advantages had arisen from the creation of those dioceses. The bishopric of Manchester was of later creation, but the bishopric of Ripon had existed for a greater number of years, and he believed that a division of the diocese of York had acted well. But then these bishops were created in perfect conformity with the present law. What the right hon. Gentleman proposed was to have a totally separate order of bishops. Now, he quite admitted that when he read the clause at first, he mistook the meaning of it, and he thought that the election of bishops was to be conducted in a different manner from that which now obtained. But he still retained the objection, and that strongly, to the constitution of a new kind of bishoprics not having a seat in Parliament, and existing totally independent of the present order of bishops. He thought the argument would soon be that they should pay these bishops out of the funds of the existing bishoprics, and as the existing bishops would have much less labour than they now had, that their incomes might to a great degree be diminished. And if there were two orders of bishops, one which had seats in Parliament, and the other not, if they deprived the bishops having seats of a sufficient income to enable them to come to the metropolis and attend to their Parliamentary duties, he thought the next step would be that they had better put them all on the same footing, and take away their power of attending Parliament. He thought the argument would be such, and that it would be very likely to be a successful one. Certainly the apprehension haunted him. The right hon. Gentleman said he had no good grounds for such an opinion; but he be-

lieved that by separating the bishops from their attendance in Parliament, they would do a great deal towards severing the connexion between Church and State. The only other way of paying the bishops was by taking away the funds which had already been voted for increased parochial instruction. Now, it appeared to him that it was better to apply the funds in that way than in creating new bishops. There might be a time not far distant when there might be an increase of bishops, but at present he thought that applying the funds to the increase of the parochial clergy was a better way of appropriating those funds. In the next place he thought there would be great difficulty in carrying on the business of the Church with bishops holding such different powers. For instance, nothing was more likely than that they should obtain subscriptions for a bishopric of Westminster. They would then have two bishops in the metropolis: one, the Bishop of London, having a seat in Parliament, and the other the Bishop of Westminster, not holding a seat in Parliament, and yet the Bishop of Westminster would have episcopal authority, and, of course, would be independent of the Bishop of London. The right hon. Gentleman said that he (Lord J. Russell) had himself introduced an innovation, and that there was now a bishop without a seat in the House of Lords. But that was on a totally different principle. They had twenty-six bishops sitting in the House of Lords, but they said in all cases the junior bishop should be without a seat in Parliament. Now, that made no separation. It enabled the bishop to get acquainted with his diocese during the early part of his holding the office, but it did not deprive any one bishop of having a seat in Parliament. He owned, therefore, that for these reasons he should not be inclined to adopt the plan which the right hon. Gentleman proposed. It appeared to him to lead to changes which would not be consistent with the constitution of the Church. At the same time he did not say that in future years it might not be desirable to have bishops of a kind somewhat similar to that which the right hon. Gentleman had proposed. But he thought that suffragan bishops were preferable, because they would then have the superior bishop holding control, and have him in his place in Parliament, representing the diocese. The right hon. Gentleman had thrown out matter for the consideration of Parliament,

and he did not say that something of that kind might not hereafter be adopted.

LORD J. MANNERS could not gather from the concluding observations of the noble Lord that there was any scheme on the part of the Government for the purpose of rendering the episcopacy of the Church of England sufficient for the due discharge of its great and important duties. It was the opinion of all persons who took an interest in the spiritual welfare of the Church that an increase of bishops was absolutely necessary. All who had written on the subject were agreed that the bishops of the Church of England ought to be the spiritual rulers of a spiritual commonwealth. Parties who had written on this subject had shown that we ought at least to have 107 bishops if we wished the spiritual welfare of the people to be properly provided for. Spain, with a population of 12,000,000, had 64 bishops; Greece, with a population of only 1,000,000, had 36 bishops; and Italy, which, together with the islands adjacent, had only a population of 24,000,000, had no less than 263 bishops. He thought, therefore, that he should be justified in pressing the clause to a division.

MR. GLADSTONE said, if he had reason to suppose that this question would be taken up by the Government within a definite time, he should not object to the withdrawal of the clause. Of course it was plain that so important a question ought not to be in the hands of a private individual, but in those of the Government.

LORD J. RUSSELL thought that it would be rather premature to press this Amendment on the House, seeing that it had only been submitted to them for the first time that evening. If the right hon. Gentleman consented to withdraw his proposition for the present, until the House and the country had an opportunity of discussing its merits, it would of course be quite open to him to repropose it at any future time.

MR. GLADSTONE would under those circumstances consent to withdraw the clause.

Clause, by leave, withdrawn.

LORD J. MANNERS then moved the following Clause:—

“And be it declared and enacted, that the provisions of the hereinbefore recited Acts relating to the sale, transfer, or exchange of any lands, tithes, or other hereditaments, shall not extend to authorise the sale of any tithes or rent-charge in lieu of tithes belonging to the see of any bishop, or to any chapter, or in the possession or enjoyment of

any dean, canon, prebendary, or other dignitary or officer of any cathedral, collegiate church, or in the possession of the Ecclesiastical Commissioners for England.”

His object was to prevent the Ecclesiastical Commissioners from selling any tithes that might come into their possession. As an instance of the injustice of the present system, he might mention that, in one of the parishes within the see of London, there were recently erected two new churches, which had to be endowed by private benevolence, notwithstanding that not less than 1,400*l.* per annum out of that parish were raised as tithes, which, in justice, should be devoted to the spiritual wants thereof, but which were appropriated for the purposes of another district. Now, it did seem monstrous that the tithes arising in a particular locality should be diverted to other objects than the improvement of that locality. Of course it would be perfectly open to the Ecclesiastical Commissioners if they felt satisfied that the spiritual wants of any particular parish were properly met to devote the surplus to the general fund from time to time; but this clause would prevent them from alienating the funds which were originally devoted to the maintenance and service of the Church and the spiritual interests of the poor.

SIR G. GREY was afraid he could not consent to this clause. If ample consideration were given for what the noble Lord called alienation of tithes, he (Sir G. Grey) did not see any injustice in the transaction. He was told that the Commissioners in some cases gave more than the market value for what they “alienated.”

MR. GLADSTONE suggested that the clause should be so framed as to prevent the Commissioners from taking the tithes or rent-charge of any church without making ample provision for the local wants of the church.

Clause, by leave, withdrawn.

MR. S. HERBERT then rose to move the adoption of a series of clauses. The legislation of the last few years, with respect to capitular bodies, was founded, he said, on erroneous principles, and on an entire ignorance of the duties attaching to them. If hon. Members would look back to the statutes by which these bodies were bound, especially as they were modified by Archbishop Cranmer, they would find that their duties were in strict accordance with the wants of the present times. Those duties were, to give their counsel and assistance to the bishop of the diocese in

cases of discipline; to superintend the education of poor scholars and the training of the clergy; to teach theology, and to take the superintendence of general education. Now, he did not know that he could draw up a list of objects of which we felt the want more at the present moment. Those duties had fallen into desuetude as far as cathedral bodies were concerned; and the consequence was, that we were attempting to do by voluntary societies, and by other means, what was originally intended should have been done by those cathedral bodies. One of the greatest evils had been the non-residence of the capitular bodies. The dean was made to reside eight months in a year, though he did not know why, as his duties were not greater than those of the canons. [An Hon. MEMBER: There is only one dean.] That was true, but the duties attached to the canonries were greater than those of the dean. Non-residence led to a sort of enforced idleness, for in consequence of it there could be no continuous labour. The first thing, then, was to secure residence, and he therefore proposed that canons and minor canons should be obliged to reside for the same period as was required of the deans. He proposed also that they should be allowed to hold no benefice except within the boundaries of the cathedral city. He would except those canonries which were attached to professorships at the universities, and he would except also from the period of residence the time during which an archdeacon holding a canonry was employed in his visitations; but as to the rest of the deans and canons, he proposed to work on the principle of the Act of 1840. He proposed, also, that the visitors, with the consent of the chapter, should have the power of drawing up schemes for their management, to be sanctioned by the Ecclesiastical Commissioners and the Council, the main point in those schemes to be attaching specified duties to particular offices. He proposed that one of the canons should superintend the general education of the diocese, and that wherever a pastoral college might be instituted, some canon in new foundations, or precentor in old foundations, should be the theological lecturer. He did not propose that in those colleges the clergy and laity should be educated separately; but he thought, that after they had been educated together for a certain period, there should be greater facilities given for that kind of training for which at present there was no provision except by

voluntary bodies. That was an evil that had been felt in the Church for some time, and he believed would be felt more and more every day as the number of small cures increased, and it became impossible for the parties holding them to educate their sons at the expense of the public schools or universities. There would, under such circumstances, be a danger of inferior men, who had not had the advantages of men of station, getting into the Church; and if that were so they would have men who would greatly overvalue the power of their office, and would be of the same description as they saw in other countries, where mere peasants got into the Church without their minds being elevated by education, and who greatly misused the power they possessed, and did mischief to the cause of religion. He proposed, further, to divide, when necessary, a canonry for the purpose of bestowing the emoluments on the most distinguished men in populous places poorly endowed. It might be asked, why did he not rely on the old statutes for this reform? His answer was, that he been informed that the statutes, having long fallen into desuetude, no man was bound by their strictly literal effect, and that the duties of the chapters could not be recalled by the power of the visitors alone. He had found great anxiety amongst the capitular bodies to put them on some better footing, and he had therefore proposed these clauses with the view that the Government should take into consideration some such proposal. He knew the noble Lord at the head of the Government might object, and say that these clauses formed a subject for a new Bill; but the noble Lord knew how difficult it was for any individual Member to bring forward a Bill on such a subject with any hope of success. He believed, however, that unless some speedy enactment was made for the more strict performance of the duties of the capitular bodies, there would be great danger of losing establishments which contained the germ of great good.

Clause—

“ And be it enacted, that, except as hereinafter mentioned, no dean, canon-residentary, or minor canon, hereafter to be appointed in any cathedral or collegiate church, shall be allowed to hold with his canonry, or minor canonry, any benefice with cure of souls, except the same be within the city or place in which the cathedral or collegiate church is situated.”

Brought up, and read 1^o.

Motion made, and Question put “That the Clause be now read a second time.”

SIR G. GREY said, the right hon. Gentleman had anticipated the objection he was about to make to the adoption of these clauses in connexion with the present Bill. They related, no doubt, to a very useful and important subject; but the right hon. Gentleman wished to engraft them on a Bill which had been sent down from the House of Lords, and with which they had no immediate connexion. He had listened to the observations of the right hon. Gentleman, and, looking to the clauses themselves, he thought they involved so great and extensive a change that they ought to be carefully considered before they were adopted, and ought also to form the subject of a separate Bill. It was quite clear, too, that they could not be adopted in their present shape. The right hon. Gentleman proposed that canons should be called upon to reside the same period as deans; but the necessary consequence must be a further reduction in the number of canons. Their case was distinct from that of the deans, and he was not prepared to consent to the same restrictions being applied to them. He therefore could not assent to the adoption of these clauses as connected with the present Bill.

MR. GLADSTONE wished he had heard a more distinct intimation of the sense of the Government on a matter that required to be carefully examined. The change made by the Bill of 1840 was in reality no reform; it mutilated the cathedral establishments indeed, and reduced the numbers of the canonries, but it attached no duties to the receipt of emoluments. The present proposal was a *bonâ fide* attempt to remedy the defects of the plan of 1840, and to recognise the principle that distinct and well-defined duties should be performed in return for all preferments in the Church. But, somehow or other, subjects like the present could never be entertained until the Session was so far advanced that it was difficult to draw the attention of the House to them. Even Gentlemen who were interested when the question was to attack the Ecclesiastical Commission, were absent; and, in fact, there was the utmost difficulty in inducing the House to lend its ear to the practical details of this part of the subject. The right hon. Baronet the Home Secretary said truly there was no reasonable chance of having the details considered now; but was a practical plan, prepared by his right hon. Friend with great pains and labour, to be disposed of in such a manner as so much waste paper?

It was a plan intended to work out a principle of great importance, not only in ecclesiastical but in political appointments, namely, that where you had an office without duties, if there were duties to be fulfilled, you would have those duties discharged efficiently. No objections had been urged against the plan by the right hon. Baronet except one; but with respect to that he was in error, for the rights of patrons were not touched at all by any other clauses, as he alleged. It was impossible, however, not to admit that considerable energy would be required on the part of Government to carry out the plan; but they were bound to manifest it. They had confessed that, by the Act of 1840, the capitular establishments were placed upon untenable ground; but they had not attempted to place them upon a defensible ground at all. By requiring a canon to reside three months in the year, allowing him to remain a parochial clergyman, but giving him no capitular duties, they had made the arrangement more absurd than it was before; because he resided not long enough to do any good in the cathedral town, but long enough to weaken his usefulness as the minister of a parish. Until they made a serious effort to remedy these defects, they would never do justice either to the interests of the Church or to the noble principles involved in our cathedral statutes.

MR. AGLIONBY said, there were cases in which ecclesiastical corporations took into their hands the whole of the tithes received by the ecclesiastical body, and no provision whatever was made for services within the parish. He did not believe that the Amendment of the right hon. Gentleman the Member for South Wiltshire would meet the particular case. He hoped the Government would not lose sight of the Episcopal Commission.

MR. J. STUART said, it was perfectly plain, from the statement of the right hon. Member for South Wiltshire, that the neglect, he did not say of the present Government, but of successive Governments, had prevented these rich endowments from being applied to those purposes to which they were properly dedicated. After the able statement of the right hon. Gentleman, it was a disappointment to hear the extremely slight and unsatisfactory manner in which the right hon. Baronet the Secretary for the Home Department met the views he had expressed to the House. What was it to say, that this was a new Act of Parliament on a separate subject?

It was a subject eminently demanding the attention of Government, and too long neglected by the Government; by paying attention to the working of these clauses, Government would find that they could not bestow a greater boon than by bringing in a separate Act, the provisions of which tended to the same purpose as those which had been proposed by his right hon. Friend.

SIR B. HALL regretted that the Government had not accepted the clauses, because the proposition as a whole was a reasonable one, although he was not prepared to agree to the whole of it; it was one which would be for the advantage of the Church and the community to have carried out. It was perfectly useless, however, for any individual Member to attempt to bring forward any such proposition; but the right hon. Gentleman had very properly afforded an opportunity for the consideration of the subject. He entirely approved of the clause with regard to the residence of canons. Looking at the state of feeling and to the desire so generally expressed, that the ministers of the Church who received high stipends should render adequate service, the House ought to do all in its power towards making the Church useful to the community; and he supported the proposition of the right hon. Gentleman, because it would materially aid that object. He hoped, therefore, the right hon. Gentleman would take the sense of the House upon them. As to the lateness of the Session, it was entirely the fault of the Government that the Bill had not been long since before the House of Commons. It was read a second time in the House of Lords so far back as April. Whilst upon this subject, he wished to ask a question from the Government in relation to the report made by the Commissioners for the Division of Populous Parishes. He could not himself agree in the scheme that the Crown livings should be sold; but it was one which required the consideration of Government, and some information ought to be given to the House as to their intentions with regard to such parishes. He wished to know whether the Government intended, early in the ensuing Session, to propose any scheme for the division of populous parishes—whether a Bill had not been prepared at the commencement of the Session virtually for that object; and, if so, why it had not been laid on the table?

MR. W. P. WOOD entirely concurred

in the general nature of the proposition of the right hon. Gentleman the Member for South Wiltshire, and he wished the House to consider the position in which deans and chapters would be placed if some measure of the kind were not adopted. The hon. Member for Montrose had already thrown out an intimation upon the subject. The hon. Member thought that if they were reduced to having nothing to do, they might then be easily abolished. In other words, his object was to extinguish all deans and chapters. He (Mr. P. Wood) did not impute to Her Majesty's Government any such wish; and therefore he should be glad to hear some encouragement from them of the view taken by the right hon. Gentleman the Member for South Wiltshire, which was to give them something to do. Originally they were collegiate bodies with high offices attached to them, but by abuse they had dwindled down to individual emolument with no office. But this was being remedied in many places, among which he might mention Westminster. The Government had there assisted a little, for they had attached a stall each to the livings of St. Margaret's and St. John's. The right hon. Gentleman only proposed to carry out the same principle by the clauses he proposed. That was a feeble and isolated attempt; he proposed to make it strong and general. He (Mr. P. Wood) hoped that next year the Government would be prepared with a measure on the subject of church leases—and that, he ventured to think, would be a suitable opportunity for making some provisions for an increase in the episcopate.

MR. HUME begged the supporters of the clauses to consider the risk they ran of throwing blame on the Church by this scheme. One of the greatest improvements had been the curtailing of useless sinecures; but, as the hon. Member for West Surrey said, it was the clergy themselves who had destroyed the Church. He hoped that those who wished for the re-establishment of collegiate bodies, would consider the grave circumstances of the times. When those establishments were originally formed, there was only one religion in the land; and all being of one opinion, there was no other course open than that which had been adopted. But now only half the people belonged to the Church; and if it was attempted to re-establish the cathedrals in their former grandeur, the fabric altogether would be endangered. The country would not bear it. Let the clergy

have duties to perform; but an end must be put to pluralities and sinecures, whilst incomes must be equalised before the people would be satisfied.

MR. HENLEY said, there was some inconsistency between the clauses and the tenor of the speeches of the right hon. Gentleman the Member for South Wiltshire, and the hon. and learned Member for Oxford. In their speeches they wished to restore the collegiate institutions, but the clauses split the canonries. One canonry was divided into two to assist in the cure of souls among the people of the town; another was joined to the chancellorship, which did not require the emoluments of the canonry, being in many cases a sinecure; a third was joined to the inspectorship of schools; and a fourth to the training school. So that there was nothing of the collegiate body left; the right hon. Gentleman would be doing under another name that which he did not intend to do. It was utterly inconsistent with the first of his clauses to say that the canons should reside eight months in the year, and then split them up in this manner. The fact was the clauses should have been introduced as a separate Bill.

LORD J. RUSSELL said, that the right hon. Gentleman the Member for the University of Oxford had found great fault with the Bill of 1840, but he did not consider the main objects of the Ecclesiastical Commission when originally appointed. The object of it was to provide spiritual instruction in certain parts of the country, and to find the means by which that spiritual destitution might be remedied. It was resolved to take those means out of the funds of the collegiate establishments, and by a considerable diminution of the canonries to provide the necessary funds. He doubted whether the scheme of the right hon. Gentleman the Member for South Wiltshire—if they were to go into all its details—would answer the purpose of effecting any improvements in the present system. He thought that his propositions were open to the objections which had been made to them by the hon. Gentleman the Member for Oxfordshire, and he did not think the right hon. Gentleman adhered to the principle to which he had pledged himself. According to the system that had been adopted, a clergyman might hold a living, on which he would reside seven months, and for three months

remaining two months he was allowed to be absent. In that way the spiritual cure of the parish was attended to, while, at the same time, the clergyman could perform his duty for three months in the cathedral city. The right hon. Gentleman proposed, by one of the clauses, to do this—that where any clergyman had a living at a considerable distance, and had besides a canonry in a cathedral, all his income, but that of the canonry, should be divided amongst clergymen holding benefices within the cathedral city. He (Lord J. Russell) really did not see how that was likely to meet the necessities of the case. He owned, he thought, they must have one plan or another. They must either retain the plan they have now of giving a clergyman a cure of souls with a canonry, or they must make the chapters collegiate bodies that would not have the cure of souls, but other duties attached to them. It was proposed that the canon should only hold a benefice within the cathedral city, and that might answer very well in the city of Westminster; but when they came to make that general provision through the country, it would not be equally applicable.

MR. S. HERBERT replied. The noble Lord appeared to consider the present system to be near perfection; but what was the fact? The law now required the clergyman who held a canonry with his benefice to reside only seven months in his cure, so that five months in the year the duty was performed by a curate. The Amendment he proposed would remedy this. The hon. Member for Montrose said that he (Mr. S. Herbert) was going to restore all the great cathedrals; but his object was quite the reverse. Here were men enjoying certain salaries; and what he insisted upon was that they should do work for their pay. It was to restore the collegiate and capitular character to these bodies that he had in view in submitting these clauses to the Committee. He proposed these clauses with the view of calling the attention of Parliament to the subject. He had communicated with members of almost every chapter in England, and with many clergymen, and from the sentiments they had expressed, he believed that Parliament must sooner or later adopt such a scheme as he now recommended.

The Committee divided:—Ayes 84; Noes 104: Majority 20.

List of the AYES.

Aglionby, H. A.	Lushington, C.
Arkwright, G.	Manners, Lord J.
Bass, M. T.	Matheson, Col.
Blackall, S. W.	Miles, P. W. S.
Boldero, H. G.	Monseil, W.
Booth, Sir R. G.	Mullings, J. R.
Broadwood, H.	Mundy, W.
Brockman, E. D.	Muntz, G. F.
Burghley, Lord	Newport, Visct.
Buxton, Sir E. N.	Pakington, Sir J.
Chatterton, Col.	Palmer, R.
Clay, J.	Palmer, R.
Clerk, rt. hon. Sir G.	Patten, J. W.
Cocks, T. S.	Pechell, Sir G. B.
Codrington, Sir W.	Pennant, hon. Col.
Cole, hon. H. A.	Portal, M.
Deedes, W.	Pusey, P.
Denison, E.	Renton, J. C.
Dick, Q.	Repton, G. W. J.
Disraeli, B.	Salwey, Col.
Dodd, G.	Scott, hon. F.
Egerton, W. T.	Sibthorp, Col.
Floyer, J.	Simeon, J.
Forbes, W.	Smyth, J. G.
Galway, Visct.	Smythe, hon. G.
Gladstone, rt. hon. W. E.	Sotherton, T. H. S.
Goddard, A. L.	Spooner, R.
Goulburn, rt. hon. H.	Stafford, A.
Greene, J.	Stuart, Lord D.
Greene, T.	Stuart, H.
Grogan, E.	Thicknesse, R. A.
Guernsey, Lord	Thompson, Ald.
Hall, Sir B.	Vane, Lord H.
Henry, A.	Vesey, hon. T.
Hervey, Lord A.	Vyse, R. H. R. II.
Hildyard, R. C.	Waddington, H. S.
Hood, Sir A.	Walmsley, Sir J.
Hope, A.	Wegg-Prosser, F. R.
Johnstone, Sir J.	Williams, J.
Jolliffe, Sir W. G. H.	Wortley, rt. hon. J. S.
Jones, Capt.	
Lagh, G. O.	
Lennard, T. B.	
Lennox, Lord A. G.	

TELLERS.

Herbert, S.
Wood, W. P.

MR. S. HERBERT would withdraw the other clauses of which he had given notice.

House resumed.

Bill reported with Amendments; as amended, to be considered To-morrow.

MONUMENT TO SIR ROBERT PEEL.

MR. BERNAL brought up the report on the Resolution agreed to on Friday last for erecting a monument in Westminster Abbey to the memory of Sir Robert Peel.

The resolution was read by the clerk at the table, and agreed to *Nemine Contradicente*.

POPULATION BILL.

Order for Third Reading read.

MR. CORNEWALL LEWIS moved that this Bill be read a Third Time.

COLONEL SIBTHORP protested against

proceeding with this Bill at a quarter past 12 o'clock at night. There were upwards of thirty Bills forced upon the House at this time of night. Such a course on the part of the Government was like the Exposition of 1851, a piece of low dirty cunning, full of trickery and humbug.

MR. NEWDEGATE said, it was admitted that the last occupation abstracts of the census of 1841 were very defective; but the House were as yet in the dark as to the mode by which the Government proposed to correct these admitted defects. The House were, therefore, by this Bill, conferring powers without the slightest knowledge how they were to be exercised.

MR. CORNEWALL LEWIS said, that the hon. Member's objections were to the form of the Bill, which merely provided the raw material for the census; but as the census itself would not be made till the end of next March, there would be time, if not at the end of the present, early in the beginning of the next Session, to lay on the table a document with such information as the hon. Gentleman desired.

Bill read 3^d, and passed.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, July 16, 1850.

MINUTES.] PUBLIC BILLS.—1^a Militia Ballots Suspension; Loan Societies; Ecclesiastical Jurisdiction; Population; Population (Ireland); Marriages.
3^a Municipal Corporations (Ireland).

PUBLIC SALARIES—THE BOARD OF GREEN CLOTH.

LORD BROUGHAM wished to ask his noble Friend opposite whether the place at the Board of Green Cloth lately held by Sir T. Marrable, deceased, had been filled up? It was a place said to be worth 1,000*l.* a year; and as he knew it had been announced elsewhere that great reductions were in contemplation in most important branches of the public service, reducing the salaries of our foreign ambassadors to a pitch at which it would become absolutely impossible for the most important interests of the country to be duly administered; with a project in view also of reducing the salaries of the judicial establishments, in order that the ruin

of our home service should keep pace with that of our foreign affairs, he was disposed, if those retrenchments and economies, so ill-judged and so misplaced, should be persevered in, to require that they should begin at the top, and that no rank in the country should be exempted from this spirit of retrenchment. With that view he should move that an humble Address be presented to Her Majesty that She would be graciously pleased to order that there be laid before the House a most important piece of information, namely, the amount of all savings in the civil list revenue since the beginning of 1838, distinguishing the classes and the years. He knew that a bargain was supposed to be made with the Crown at the commencement of each reign, but that was always on the supposition that things generally were to remain in their present position; and if one branch of the civil list were reported against, why should not all parts of the civil list be looked into? If any person should have said, as was said to his late lamented Royal Highness the Duke of Cambridge, by whom it was received with the reprobation which the phantasy—the foreign phantasy—deserved, that the time had come for lowering the English aristocracy—if any one should have had the folly, the presumption so to speak, whoever they might be, must know now that Parliament was resolved not to lower the English aristocracy. And the English aristocracy would be lowered if such things were allowed to pass as he knew were now passing, namely, that a lady of the highest rank, connected with the families of dukes and marquesses by the nearest ties, was reduced to the humiliating necessity of advertising for necessary employment.

The MARQUESS of LANSDOWNE said, the office to which the noble Lord had referred had been filled up by placing in it a very zealous servant of the Crown.

The MARQUESS of WESTMINSTER said, the head clerk in the office of the Board of Green Cloth had been appointed to the situation lately filled by Sir T. Marable, and he believed it was a very proper appointment.

LANDLORD AND TENANT BILL.

LORD PORTMAN moved the Second Reading of this Bill, which had been brought to their Lordships' House from the House of Commons. He did not

know that there was any difference between this Bill and the Bill of last Session, except in its extension to Ireland. The object of the Bill was to permit tenants for life to bind their heirs and successors to allow compensation for improvements made by an occupying tenant. He thought that the Bill did not contain sufficient checks and guards to justify the passing of the Bill in its present shape, but in Committee it might be so modified as to render it a useful measure.

LORD BEAUMONT considered the Bill so objectionable that it was not worth going into Committee upon, and he should therefore move that it be read a second time that day six months.

After a few words from Lord MONT-EAGLE and Lord BROUGHAM,

On Question, that "now" stand part of the Motion; Resolved in the *Negative*.

Bill to be read 2^a this day six months.

LIVERPOOL CORPORATION WATERWORKS BILL.

The EARL of EGLINTOUN called the attention of the House to the petition of the Committee of the Ratepayers of Liverpool appointed to conduct the opposition to the Liverpool Corporation Waterworks Bill, complaining of certain parties in respect to their conduct in procuring signatures to the petition against the said Bill, presented on the 17th of June last. The facts had been inquired into by a committee, and it had been clearly ascertained that persons were employed, at the rate of 4s. 6d., to go about and collect signatures, that many of the signatures were fictitious, and that the persons who were so employed had confessed that they had themselves written many of the signatures, most of which were feigned names. The noble Earl concluded by moving that Joseph Byrne, Joseph Hinde, and Duncan M'Arthur do attend at the bar of the House on Friday next, in reference to their conduct with regard to the signatures to the petition of the ratepayers of Liverpool—presented to the House on the 17th June last—praying to be heard by counsel against the said Bill.

The MARQUESS of LANSDOWNE admitted that, as the case had been stated by the noble Earl, there had been a gross breach of privilege committed by these parties, and the House would be deserting the duties which it owed to itself if it did not thoroughly investigate the matter and

punish the parties who had been guilty of that offence. He therefore seconded the Motion of the noble Lord.

LORD MONTEAGLE thought it likely that the persons who had been named were mere instruments employed by other parties; and full justice would not be done unless the latter were discovered and brought forward.

LORD STANLEY said, the House would hear on Friday, when the parties were placed at the bar, what they had to say in their own vindication or palliation; and if it then appeared that other persons were implicated, they would be in a position to decide what course ought to be taken.

Motion agreed to.

ELECTIONS (IRELAND) BILL.

Amendment reported, according to order.

The EARL of MOUNTCASHELL moved the insertion of a clause for restraining the undue influence of clergymen and ministers of religion at elections, and proposing separate polling-places at which they should record their votes.

The EARL of CARLISLE objected to the clause as unnecessary. As to shutting up the clergy and ministers of all religious denominations in one polling-booth, he thought some very violent polemical and political, if not even physical, controversies would be likely to arise in such circumstances.

Amendment withdrawn.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 16, 1850.

MERCANTILE MARINE (No. 2) BILL.

Order for Committee read.

On the Motion of MR. LABOUCHERE, the House resolved itself into Committee on this Bill.

Clause 31.

MR. WAWN asked, upon what principle would the shipping offices be in ports?

MR. LABOUCHERE said, that in every port where there were ships engaged in foreign trade of more than 30,000 tons burden, a local marine board and shipping office would be established. The Board

of Trade would also take care to extend them to places where the foreign trade appeared to be increasing. Care would be taken that it was not made a matter of favour.

Clause agreed to; Clause 32 struck out; Clauses 33 to 48 inclusive agreed to.

Clause 49.

MR. WAWN said, it would be very hard upon shipowners to make them pay a month's wages to a sailor who might be left behind, as the ship would be at sea, and there would be no means of rebutting the statement of the sailor.

MR. LABOUCHERE thought that such a matter might be safely left to the discretion of the magistrate who would have to decide on the case. He wished to protect the rights of the sailors as well as those of the shipowners.

MR. J. L. RICARDO moved that the clause be postponed on the ground that, as it now stood, the shipowner could have no remedy before the magistrate. He thought at a future stage words might be introduced into the clause to obviate the difficulty.

MR. LABOUCHERE said, he could not consent to the postponement. He hoped, when the report was brought up, to be able to propose such an Amendment as would obviate the objection. The clause had the sanction of the magistrates of the Thames Police Court, and of Mr. Rushton, of Liverpool.

MR. FORSTER said, that in nine out of ten cases of sailors being left behind, it was their own fault. It would be a great hardship to make the shipowner pay wages to a sailor, as the ship had sailed, and he could not produce the captain.

MR. CARDWELL felt assured that the best course would be, to leave the decision to the discretion of the magistrate, for there was nothing in that Bill to compel him to give judgment upon a mere *ex parte* statement. He did not think it was reasonable at that period of the Session to require the postponement of the clause.

LORD J. MANNERS thought it was only reasonable to ask for the postponement of the clause, to give time for the consideration of the Amendment to be introduced into it.

MR. CLAY said, they could not always depend upon a fair decision upon the part of the magistrate, for he had heard of in-

stances where sailors took care to wait until they could state their case before a particular magistrate, as they felt pretty sure of a decision in their favour.

Question put, "That Clause 49 be postponed."

The Committee divided:—Ayes 19; Noes 48: Majority 29.

MR. WAWN strongly protested against proceeding with this clause in its present shape; he should therefore again divide the Committee on the subject.

MR. LABOUCHERE said, that under those circumstances he would give way as the best means of saving time.

Clause postponed; Clause 50 agreed to. Clause 51.

MR. MOFFATT moved that the latter part of the clause be struck out. He could not see why they could not leave the matter of wages to be settled between the sailor and the shipowner, as they did between the employed and the employer in all other trades.

MR. LABOUCHERE could not consent to the Amendment, as the effect of it would be to abolish altogether advance notes. He knew there were many objections to them, and he trusted ultimately the system might be got rid of, but he was informed by persons well acquainted with the subject that they were absolutely necessary at present.

MR. MOFFATT agreed to withdraw his Amendment.

ADMIRAL BOWLES: The great object of those who are endeavouring to improve and elevate the character of British seamen, is to reclaim them from those habits of intemperance, debauchery, and improvidence, which are the causes of so much misery to themselves, and injury to those who employ them. If these failings could be corrected, no set or class of men in the world would be so easy or so agreeable to command. Now, the system of advance notes tends to defeat all these endeavours, and to promote, as far as possible, recklessness and improvidence. Those who otherwise would not trust them for a farthing, or give them a single meal on credit, are the very persons who now encourage them to incur debts of all descriptions; to sell or pawn their clothes, bedding, and property, speculating on the profit to be ultimately obtained by these advance notes, which the seaman, in most cases, makes over to these crimps, who take them, charging a heavy discount, and perhaps supplying him with a few articles

of inferior clothing at an extravagant price. If, on the other hand, the seaman receives the advance himself, the possession of four or five pounds, which he has not earned, is often too strong a temptation either to violate his engagement, or, at all events, to squander thoughtlessly or improvidently these anticipated wages. If he is a married man, he leaves himself without the power of making any allotment to his family, for he is already in debt to the ship; and if the voyage is not a very long one, he arrives at a foreign port without a farthing to purchase the smallest comfort or indulgence, discouraged and discontented, and consequently ready to give way to any temptation which may offer, either to desert, or otherwise misconduct himself. Such are the evil consequences of the system of advance notes to our mercantile marine. All friends to British seamen are unanimous in their earnest desire to abolish them; and I make my present proposition for their limitation to one month's pay only, in the full hope that the time is not far distant when they may be altogether discontinued.

MR. LABOUCHERE objected to the proposition, as due allowance could not then be made for the length or the nature of the voyage.

MR. CLAY said, that a ship's carpenter would require an advance of considerably more to obtain tools. If they restricted the amount in the way proposed, the sailors would be induced to sell their kits.

SIR G. PEACHELL could not assent to the abolition of advance notes; for, however bad the system, they were at present necessary for seamen. The gallant Admiral, surely, must remember that in the Royal Navy an advance of two months' wages were made to the seamen.

Amendment withdrawn; clause agreed to; as were clauses up to 62 inclusive.

House resumed.

Committee report progress, to sit again on Thursday at Twelve o'clock.

THE LATE DUKE OF CAMBRIDGE.

MR. F. SCOTT moved that the House adjourn until to-morrow. He was induced to move this from motives of respect to the worth of the illustrious Prince, whose loss they had to deplore. The House was aware that on that day his remains were consigned to the tomb. Out of respect to that Prince all places of public resort had that day been closed: he was sure the House would adopt his Motion, and post-

pone all further business to a future day.

MAJOR BERESFORD seconded the Motion.

MR. LABOUCHERE wished some intimation had been made to the Government by the hon. Member of his intention to make this Motion. He was quite sure that it would be admitted that it must be the feeling of every Member of the Government, as well as of that House, to pay every mark of respect to the memory of one so much lamented as the late Duke of Cambridge. He understood that the House of Lords had not adjourned over. He believed, however, that there was no Government business on the paper for this evening, therefore he could not object on that ground. If it was the general feeling of the House that they should postpone the business which stood on the paper, he would not persist in objecting to it. Perhaps, under all circumstances, as the House had been taken somewhat by surprise, the hon. Gentleman would postpone his Motion until five o'clock, when they would consider how they best could show their respect to the memory of his late Royal Highness. He proposed this because it might be inconvenient to adopt a course for which there might be no precedent.

MR. F. SCOTT said, it was not from any want of respect that he had not given notice of his intention to the right hon. Gentleman or the Government. As this was not an evening on which there was any Government business, he thought the subject was one upon which the Members of the Government might feel as independent Members of that House. He should certainly persist in his Motion, and would, if necessary, divide the House.

MR. LABOUCHERE said, that as it appeared to be the general wish of the House that it should at once adjourn, he should not offer any further objection.

The House adjourned at Three o'clock, on account of the funeral of His Royal Highness the Duke of Cambridge, which took place this day.

HOUSE OF COMMONS,

Wednesday, July 17, 1850.

MINUTES.] PUBLIC BILL.—2^d Militia Pay.
3^d Upton cum Chalvey Marriages Validity.

COPYHOLD ENFRANCHISEMENT BILL.

Order for Committee read.

Motion made, and Question proposed,

“That Mr. Speaker do now leave the Chair.”

MR. AGLIONBY moved that the House resolve itself into Committee on this Bill.

SIR G. STRICKLAND said, that he was so decidedly opposed to the measure that he should move that the House go into Committee on that day three months. He was of opinion that copyhold tenure should be done away with, and that fee-simple tenure should be substituted for it. His objection, therefore, was not to the principle of copyhold enfranchisement, but to the framework of the Bill, as not being calculated to carry out the object in view. If the House would look into the Bill, it would be seen that it would not enforce the enfranchisement of copyholds. Indeed, it was not for the enfranchisement of copyholds, but for the commutation of rents, which it was proposed to effect in a manner most unjust towards lords of manors. He also objected to it on the ground that it was not in conformity with the usages of that House to go into a Bill, the enactments of which did not coincide with its title.

Amendment proposed, to leave out from the word “That” to the end of the Question, in order to add the words “this House will, upon this day three months, resolve itself into the said Committee,” instead thereof.

MR. MULLINGS seconded the Amendment. He was favourable to the principle of enfranchisement, but he did not think that, under the provisions of this Bill, they would be able to carry its object into effect. The machinery of this Bill did not touch the enfranchisement of copyholds, as it only provided for getting rid of fines and commuting rent-charges. Its provisions were also most objectionable, as they were perfectly one-sided, and were proposed to be carried into effect in a manner which he thought the House should not sanction. He feared this Bill was brought in to meet a particular case, and not for a general object. The customs also of manors in this country were as variable as possible, and it was impossible a measure of this kind could pass without their looking into the whole character of the various tenures in manors. The major part of the copyholds in this country were for terms of lives; but by the 37th clause they were specially excluded from the operation of this Bill. He thought this was a question rather to be dealt with by the Government than by a private Member.

Mr. HUME was a cordial supporter of the principles of the measure; he was therefore sorry to hear such objections raised against it. Some years ago an Act was passed to encourage the voluntary enfranchisement of copyholds, but its operation had been very limited; it therefore was now proposed to extend the principle by enforcement of enfranchisement, with the view of simplifying all tenures. He admitted that he entertained objections to some of the machinery of the Bill; but he hoped the hon. Baronet the Member for Preston would let them go into Committee with the view of seeing how they could best get rid of copyholds.

Mr. HENLEY felt assured, however much time they might expend on the Bill in Committee that day, that it could not become law during the present Session, attacking so many interests as it did in many parts of the country. He should oppose it as inviting gross injustice.

Mr. AGLIONBY knew the measure was regarded as one of great importance in many parts of the country, and above all in the north of England. The chief opposition to it had originated in a self-constituted body calling themselves the Committee of Lords and Stewards of Manors, and who had sent statements to nearly all the Members of that House in which the Bill was grossly misrepresented. The hon. Member for Preston said, there was not a word in it about the compulsory enfranchisement of copyholds, but that it only extended to the commutation of copyhold rents. He could hardly conceive that the hon. Baronet had read its provisions when he made such a statement. The Bill not only embraced the commutation of rents, but it extended to a great many other objects. It commuted fines, heriots, rent-charges; and it also commuted services, which were the most objectionable portions of copyhold tenure. He had appealed to the Speaker as to another objection which had been raised, and that high authority stated that he found the title was in conformity with the enactments of the Bill. He should be perfectly willing in Committee to give every consideration to objections which might be raised against its provisions.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 49; Noes 40: Majority 9.

Main Question put, and agreed to.

Bill in Committee.

Clause 1.

Mr. MULLINGS moved an Amendment to the effect that all manorial rights should be commuted by the Copyhold Commissioners.

Mr. AGLIONBY objected to the Amendment. The interests involved were so large and so varied that he felt it would be impossible to accede to it. In the case of mines and minerals it would be particularly objectionable.

Mr. MULLINGS said, his only object was to convert these copyholds into really freehold tenures, which could never be done unless all manorial rights were to be commuted.

LORD H. VANE supported the clause in its original form. To assent to the Amendment would be to greatly interfere with the rights of property.

SIR G. STRICKLAND should vote for the Amendment, with the view of sweeping away all the remnants of copyhold tenure.

Mr. HUME looked upon the clause as a step towards the removal of all the annoyances of copyhold tenure which at present existed. He should therefore give it his support, for he thought that by omitting mines and minerals, at all events for the present, they would prevent a good deal of opposition to the Bill.

SIR B. HALL said, if the hon. Member would exclude mines and minerals from the Amendment he should vote with him.

Mr. MULLINGS did not object to reserve the question of mines and minerals. He would consent, therefore, with that view, to add to his Amendment the words "except as hereinafter provided."

Amendment proposed, page 1, line 17, to leave out from the word "That" to the word "may," page 2, line 3, in order to insert the words "all manorial rights except as hereinafter provided."

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 55; Noes 47: Majority 8.

Mr. HENLEY then moved an Amendment to provide that the enfranchisement of a property should not take place, except on the application of three-fourths of the tenants in number and value. He was quite willing that the majority of the tenants of a manor should bind the minority, but he should object to individual enfranchisements.

Mr. AGLIONBY objected to the Amendment. One of the main principles of the Bill was that there should be individual enfranchisements. It would be hard that an individual who wished it should be refused enfranchisement because three-fourths of the tenants did not desire it; and it would be equally hard that a man should be compelled to accept enfranchisement if he did not desire it, because others of the tenants happened to wish for it.

Mr. GOULBURN would support the Amendment. It would do justice to the lord as well as the individual tenant, and would not introduce the distinction that the poor tenant without capital should not be considered, but that the wealthy tenant who had capital should.

SIR B. HALL suggested that instead of pressing his Amendment, the hon. Member for Oxfordshire should allow the clause to stand as it was, and insist upon introducing words into a subsequent clause giving the same power to the lord as this clause gave to the individual tenant.

Mr. HENLEY replied, that the same power could not properly be given to the lord as was now proposed to be given to the tenant, because, if the lord could claim commutation from one tenant, he could, of course, claim it from all; and the fact was that a large number of the small tenants were so poor that if they were asked to pay the commutation fine it would be absolute ruin to them.

Mr. MULLINGS said, there was another objection to the proposal. By the 22nd clause it was provided that the expenses of the commutation should be paid by the party making the application. It was useless, therefore, to give the power of making the application to individual tenants, because, in most cases, it would be utterly impossible that they could pay the expenses of it.

Mr. J. A. SMITH suggested that the number of tenants who should have power to make the application should be two-thirds instead of three-fourths.

Mr. HENLEY said, he had fixed the number at three-fourths, because the hon. and learned Member for Cockermouth had himself fixed that number in case of enfranchisement in another part of the Bill.

Same clause.

Amendment proposed, line 5, to leave out the words "a tenant," in order to insert the words "three-fourths of the tenants in number and value."

Question put, "That the words 'a tenant' stand part of the Clause."

The Committee divided:—Ayes 44; Noes 74: Majority 30.

Mr. HUME said, he should now move as an Amendment to substitute for the words "three-fourths in number and value," now adopted by the Committee, the words, "the majority in number."

Amendment proposed to the proposed Amendment, to leave out the words "three-fourths of the tenants in number and value," in order to insert the words "a majority of the tenants in number."

Question put, "That the words 'three-fourths of the tenants in number and value' stand part of the proposed Amendment."

The Committee divided:—Ayes 66; Noes 53: Majority 13.

Mr. SPOONER asked whether the hon. and learned Member for Cockermouth, upon calm consideration, thought it expedient to proceed with a Bill which it was now clear could come to nothing?

Mr. AGLIONBY said, that the effect of the Amendments had been, in his opinion, materially to damage the Bill; but still he would not throw it up in a pet.

Mr. SPOONER suggested that, as the hon. and learned Member would not throw up the Bill in a pet, he would do so upon calm consideration, as there was no chance of its being carried this Session.

Mr. AGLIONBY said, that he had bestowed already two years of calm consideration on the Bill; and he was determined to press it as far as possible.

Mr. SPOONER said, he should then move that the Chairman report progress.

SIR J. GRAHAM thought that, as important alterations had been made in the Bill, with respect to commutation and enfranchisement, it would be as well if the hon. and learned Member for Cockermouth, who had charge of it, would state whether he could proceed with advantage with the other parts of the Bill, without taking time to consider the further alterations which were necessary. It was hardly fair to force the hon. and learned Member to postpone his Bill if he was prepared to make the alterations in the various clauses which had become necessary in consequence of the decision of the Committee. The hon. and learned Member would not, he was sure, embark the House in any useless discussion; and if he thought he could proceed with the Bill with advantage, he

(Sir J. Graham) should certainly give his vote against the Motion for reporting progress.

MR. AGLIONBY said, that he should be perfectly prepared so to alter the clauses of the Bill as to make it in accordance with the decision of the Committee, without requiring any delay of the Bill for that purpose. There would, however, no doubt, be some difficulties with some hon. Members who were not so conversant as himself with the provisions of the Bill, in striking out some of the clauses, which would be necessary in consequence of the decision of the Committee.

The Motion for reporting progress withdrawn.

Clause, as amended, agreed to; Clause 2 postponed; Clause 3 agreed to.

Clause 4,

SIR B. HALL proposed to strike out the words which limited the period in which such applications should be made to the admittance of a tenant, or within six months after such admittance, and to insert words giving power to the Commissioners to entertain applications for commutation in cases where the lord or lords, being the owners of three-fourths in value of the manor, required such commutation.

MR. AGLIONBY objected to the insertion of the words, as they involved a new principle, and were not required in order to carry out the views of the Committee.

SIR B. HALL thought that the same right to compel enfranchisement should be conferred upon the lord of the manor as upon the tenant.

MR. HUME was now prepared to suggest the postponement of the further consideration of the Bill, as he thought the anticipated difficulties had arisen.

MR. HENLEY suggested that the 4th clause should be conformable to the 29th, which affected the object in view with respect to enfranchisement. He thought the machinery contained in the 29th clause should be applied to commutation.

SIR B. HALL was willing to withdraw the Amendment, but he must move that the Chairman report progress.

MR. AGLIONBY said, the effect of reporting progress would be, to throw the Bill over for the present Session.

House resumed; Committee report progress; to sit again on Wednesday next.

SMOKE PROHIBITION BILL.

Order for Second Reading read.

MR. BANKES, in moving the Second

Reading of the Smoke Prohibition Bill, said the measure was one which had come down from the other House of Parliament, having received the sanction of their Lordships. Although he entirely approved of the principle of the Bill, he believed that in Committee it might require some alteration. He wished on this occasion, however, to take the sense of the House on the principle of the measure, and to ascertain whether it was the opinion of hon. Gentlemen that the great nuisance to which the Bill referred should be the subject of legislation or not. He might remind the House that in the ensuing year the attendance of a very large number of foreigners was expected in this metropolis, not only from all parts of Europe, but, as they were told, from all quarters of the world; and he felt anxious that they should not see our public buildings, institutions, galleries, and museums disfigured as they now were by smoke. During the present Session he had been attending a Parliamentary Committee on the National Gallery, and several witnesses examined before the Committee had stated that the pictures in that gallery were not only injured, but were being gradually destroyed, by the effects of a London atmosphere, impregnated as it was by emanations from the furnaces burning on all sides. The guardian of the Berlin Gallery, who was examined before the Committee, stated that he had visited the National Gallery some years ago, and that he had not language to describe the change that had taken place in the pictures since that time, but that he might almost say they were destroyed by the action of the atmosphere. Another witness had stated that the change he had observed in the Vernon Gallery of pictures by their removal to the National Gallery, he was unable to describe, but that they were in process of destruction, owing to the same cause. The condition of the gallery was bad enough before, but baths and washhouses had lately been erected exactly at the back of the building, so that a new infusion of smoke was now pouring down daily into the gallery, and was injuring the pictures so seriously, that the impression on the minds of many Members of the Committee was, that the pictures must be removed, or they would be totally destroyed. This nuisance had, however, another effect of still greater importance—it was most injurious to the public health. A lengthy report from a member of the Board of Health had lately been published in the news-

papers, in which particular allusion was made to this nuisance, and the writer expressed his decided opinion that it was most injurious to health. It had been long ago established that it was not necessary to prove that a nuisance was actually injurious to health, but that if it could be shown that it interfered with the enjoyment of life and property, the public had a right to be protected from it. He was a Member of the Committee on Prison Discipline, and their attention had been incidentally drawn to the smoke nuisance. They had found that the most noxious effects were experienced at the Millbank Penitentiary in consequence of the smoke from the steam engines in the neighbourhood of that prison. Although the governor of the Penitentiary was not prepared to say that the illness and deaths which had so frequently occurred in that prison arose from those noxious furnaces, it was clear from the frequent coroners' inquests that had been held that the building was beyond all dispute in a very unhealthy situation. He would not refer to the numerous reports that had been made by Parliamentary Committees which had considered this subject, and had recommended the removal of the nuisance; but he might observe that those reports established the fact that the nuisance was one capable of a remedy, at some expense to manufacturers he would admit, by the use of machinery for consuming smoke, or of fuel which did not produce any smoke. He would only refer to one authority, that of Lord Mansfield, who had laid it down on a trial relating to a nuisance that it was not necessary to constitute the offence of a nuisance that a smell should be unwholesome; but it was enough if it rendered the enjoyment of life and property uncomfortable. It therefore appeared to him highly reasonable, in conformity with that opinion, that they should by an Act of the Legislature get rid of the nuisance to which this Bill referred. He thought it would hardly be disputed that there were modes of remedying the evil. They had been told, on the authority of the Commissioners for the Exhibition of 1851, that although a large furnace was to be placed in the building to be erected in Hyde Park, it would not cause any nuisance, because it would consume its own smoke. If, then, there was a machine in existence for consuming smoke, he called upon the House to require that all furnaces should be fitted with such machinery. The Members of

that House were aware that a steam-engine and furnace had recently been erected in the Palace-yard by the Commissioners of Sewers; but the House had been informed by one of the Commissioners that there was no reason to apprehend any inconvenience from that furnace, because, although it was not provided with a machine for consuming its own smoke, a description of coal would be used that would not cause any smoke. He (Mr. Bankes) did not consider that it was any sufficient answer to say that the adoption of these means would throw some additional expense upon manufacturers and others, because they ought to be required to pay some regard to the comfort of the persons residing in the neighbourhood of their establishments. He admitted that the Bill was capable of some improvements, and in Committee he would not only be ready to consider any Amendments that might be suggested, but he would probably propose some himself.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. ALDERMAN COPELAND said, the hon. Gentleman had complained very bitterly that the pictures in the National Gallery and the contents of museums in London were injured by smoke; but he (Mr. Copeland) doubted whether any instrument or machine could be invented that would consume the smoke of the cities of London and Westminster. The hon. Gentleman had also stated that smoke was detrimental to health. He (Mr. Copeland) could only say that he knew many learned men who were of opinion that what proceeded from a chimney where attempts were made by machinery to consume smoke, was more detrimental to health than the smoke itself; and in the districts with which he was connected, the operatives stated that their health suffered more where attempts were made to consume smoke, than where no such endeavours were made. With regard to the furnace in Hyde Park, he would recommend the hon. Gentleman to wait till it was erected, and then to ascertain whether it really did consume its own smoke. He was as desirous to get rid of the nuisance of smoke as any Member of that House or any person in the country could be, and he had expended large sums of money in endeavouring to effect that object. He had tried many experiments, but none of them had been successful. It had been said, that an eminent brewer in Spit-

alfields had apparatus which consumed the smoke of the furnace. He had visited that establishment, and he would unhesitatingly say that the machine was not efficient. He had himself tried an invention for this purpose at his works in Staffordshire, on the terms of "no cure no pay;" but it was wholly unsuccessful, and he would either have to pay for the experiment, or a lawsuit would be brought against him. He was therefore unwilling to shackle the trade and commerce of this country by legislation on such a subject, when no machinery had been invented to carry out the objects of the Bill. Was every great manufactory to be liable to stoppage because any person might go before a magistrate and say the furnace caused offensive smoke? He saw in the House many hon. Gentlemen who were deeply interested in manufactures, and he would ask them whether they thought it probable or possible that the provisions of this Bill could be carried out? They had been told on a former occasion, when this question had been brought before the House, that the Government were about to try experiments for the consumption of the smoke at Portsmouth or Woolwich dockyard, and he would be glad if the Government would state whether those experiments had been successful or not. The hon. Member for Dorsetshire had admitted that the carrying out of this Bill would be attended with some expense to the manufacturing interests. He (Mr. Copeland) could confirm that statement, for he had been asked to try an experiment for the consumption of smoke at a cost of 30*l.* for each of his furnaces, so that he might have to pay altogether some 3,000*l.* or 4,000*l.* for that purpose, and still be in doubt whether the experiment would turn out successful or not. He begged, therefore, to move as an Amendment that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HUME seconded the Amendment, and said he thought that the manner in which attempts were made to interfere with the manufacturing interests required the serious consideration of the House. He was satisfied that if this measure was adopted it would be attended with most

injurious consequences to the manufacturers. He had no individual interest in any manufacture in this country, but he wished to see capital left as free as possible. If this Bill were passed, he might be taken before a magistrate and subjected to punishment because he had a furnace for heating his house during the winter, from the chimney of which smoke might be seen to issue, although he took every care to prevent any nuisance. He hoped the House would reject the Bill.

MR. W. BROWN believed, that though it was said smoke was so unhealthy, London was a healthy city. However, he would say that he should be happy to agree to a measure upon this subject, when a way for persons to consume their own smoke should be ascertained; but at present experiments had not succeeded, and therefore it would not be right to pass this Bill.

MR. MUNTZ doubted whether smoke could be got rid of, as some supposed, when it had once been made. He had been lately to see an experiment, where the fire was very gradually introduced, and the principle appeared good; but he could not obtain an estimate as to the cost, and he should not feel justified as a legislator in forcing upon the people a system the expense of which was not known. In one part of the country some coal could be obtained that would not cause smoke; but a general Bill like this would not be just. Indeed, this Bill could not be worked, and evidently emanated from people who knew nothing of the subject.

SIR G. GREY said, that considering the fate of the Bill of last Session, and the extreme resemblance of this Bill to its predecessor, he could not see that even if the House were now to affirm the principle of its being desirable to put an end to what was termed "the smoke nuisance," they would advance a step towards the attainment of that end. He did not think that this Bill would be found to work effectually; and it would be only wasting time to read it with a view of going into Committee upon the details, when it must end in the defeat of the Bill, as before. There was an Act obtained, for Manchester, he believed, with a view to effect the object aimed at by this Bill; and it would be desirable as far as possible to assimilate the provisions of any Bill of this kind to those already in operation, if they had been found to be of service. He understood it was said that that Act was not found to be

operative; he did not know how this might be, but it was of no use to proceed now, with no prospect of obtaining the assent of Parliament to a measure upon this subject this year; and, having some regard for the time of the House, he must object to its being further occupied with this Bill.

MR. MACKINNON hoped the principle of the Bill would be adopted by the House sooner or later, but would recommend the hon. Member now to withdraw the Bill and bring in another next Session.

MR. BANKES could not proceed further with the Bill against the opinion of the Government. Such a measure could not and ought not to be carried against them; but he very much regretted that the nuisance should continue, and hoped the Government would turn their attention to the subject.

Amendment and Motion, by leave, withdrawn.

Bill to be read 2^d this day six months.

LANDLORD AND TENANT (IRELAND) BILL.

Order for the Second Reading read.

Motion made, and Question proposed—
“That the Bill be now read a Second Time.”

MR. S. CRAWFORD moved that it be read a second time upon that day three months. It was one of several Bills sent down from the other House, the object of which might be described to be to facilitate extermination, and this at a time when the tenantry of Ireland were calling for a just measure of relief and protection, which would not be granted. There were most arbitrary clauses in the Bill. By the first clause a tenant-at-will was to be liable to an ejectment for non-payment of rent with out notice to quit; and Clause 6 provided that if a tenant cut his grain on a Sunday, or between sunset and sunrise, with a view to its being removed to prevent a distress, he might be fined 10*l.* and imprisoned with hard labour for twelve months. To any legitimate measure for enforcing the just rights of landlords he should not object, provided there was just respect, also, to the rights of the tenants; but to these provisions he must object. Grain must often be cut after sunset, and there might be a suspicion of an intent to remove it to prevent a distress; but how was that to be established? The Bill professed to be “to amend and improve the relations of landlord and tenant;” but there was not a clause in it to do any justice or give any relief to the tenant.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. G. A. HAMILTON defended the Bill, but should be very sorry to support one which could fairly be said to lead to extermination. The first clause would remedy an evil to which a yearly tenant was exposed, subjecting him to annoyance and uncertainty—namely, the having continual notices to quit served upon him by the landlord, in order that the latter might have power to eject him if he should fall into arrear with his rent; and the clause provided that the landlord might bring his ejectment for non-payment of a year’s rent, as under a written contract, but only provided he would forego the arrear of rent. The 6th clause was directed only against fraudulent tenants, and was necessary, because ill-disposed persons had in many instances cut and carried away their crops in the night or on Sunday. The clause was to meet cases where there was reasonable ground to apprehend that this was done to defraud the landlord.

MR. BRIGHT could not agree to a clause directed against cutting grain after sunset—a monstrous interference with the freedom of the agricultural population. But with regard to the Bill altogether, he should consider it ill-judged and improper to proceed, with so little time for deliberation, to pass any measure giving additional powers to the landlords in Ireland, when so bad a spirit existed on both sides, he feared, and when the Government Bill upon the subject was to stand over, and the whole landlord and tenant question must be deliberated upon in the next Session.

MR. C. ANSTEY hoped the Government would consider that the Bill ought not to be proceeded with, but postponed with the other Irish measures that had been alluded to. He further wished to add that, having reference to the lateness of the hour, it was to be hoped that the House would deal with this measure as they had done with others of the same character, and not then proceed with it. Looking at all the circumstances of the case, he felt it his duty to move that the debate be adjourned.

Motion made, and Question proposed,
“That the debate be now adjourned.”

COLONEL DUNNE supported the Bill,

and took that opportunity to call the attention of the House to the frequent collisions which took place between the police and the country people, arising out of the removal of crops, and out of disputes connected with rent.

Mr. HUME said, that though Ireland was in a most lamentable condition, yet he very much doubted whether the measure now under consideration was the most effectual remedy that could be applied. He asked, was the House really taking the right course? Would such a Bill as that, if brought in for England, be entertained for a moment? Then, why treat Ireland differently from England?—and why not give the same protection to the tenants in both countries? In his opinion the Ministers ought to bring in a measure of this sort—some measures, he meant, to correct the evils against which the Bill then before them was directed.

SIR W. SOMERVILLE regretted to observe that some hon. Members seemed to regard the Bill before them as a landlords' measure. Now, in his opinion, it was not by any means a Bill for the benefit of the landlords alone, but quite as much for the advantage of the tenants. He admitted that there was some difference of opinion as to some of the clauses; but there could be no doubt as to the necessity of relieving the tenantry of Ireland from many of the harsh and distressing modes of proceeding which it was now in the power of landlords to put in force against them, and these proceedings had in times past, as well as on more recent occasions, led to much disturbance. In the course of the last year many outrages had been committed in consequence of those proceedings; and, lest there should be a repetition of them, he trusted that the House would give to this Bill a favourable consideration; therefore it appeared to him desirable that it should be read a second time, and as to his own opinions respecting the first clause, he should not insist upon them, but leave the matter open for discussion in the Committee. He did not urge the House to adopt any of the clauses as they stood; still less any enactments that were likely to prove of a harsh or severe character.

MR. E. B. ROCHE would oppose the measure, as it appeared to him nothing more nor less than a Coercion Bill, directed against the tenantry of Ireland.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow without putting the Question.

VOL. CXII. [THIRD SERIES.]

HOUSE OF LORDS,

Thursday, July 18, 1850.

MINUTES.] PUBLIC BILLS.—3^d Elections (Ireland).

ANSWER TO THE MESSAGE OF CONDOLENCE TO H. R. H. THE DUCHESS OF CAMBRIDGE.

The MARQUESS of NORMANBY informed the House that the Earl of Powis and himself had waited upon her Royal Highness the Duchess of Cambridge with the Message of the 9th instant; and that Her Royal Highness had returned the following Answer:—

“ My Lords—I am deeply sensible of the kind feelings which have prompted the Lords Spiritual and Temporal in Parliament assembled to condole with me under the severe bereavement which I have sustained by the death of his late Royal Highness the Duke of Cambridge; and I request that your Lordships will carry to the House of Peers the expression of my grateful acknowledgments for this assurance of their sympathy. The memory of my revered Husband will ever be treasured in my heart; and the just appreciation of his many virtues by the House of Lords affords me the greatest consolation in my present affliction.”

ANSWER TO THE ADDRESS OF CONDOLENCE TO HER MAJESTY.

The LORD STEWARD the MARQUESS of WESTMINSTER said, he had the honour of informing their Lordships that he had waited upon Her Majesty the Queen with their Lordships' Address of Condolence on the lamented death of his Royal Highness the Duke of Cambridge; to which Her Majesty was graciously pleased to return the following Answer:—

“ My Lords: I thank you for the gratifying Proof which your loyal and affectionate Address affords Me of your participation in my feelings on the death of My beloved Uncle the Duke of Cambridge, and of your Attachment to My Person and Family.”

PAROCHIAL ASSESSMENTS.

LORD PORTMAN brought up the Report of the Select Committee on this subject.

The EARL of MALMESBURY said, that although as a Member of that Committee, he had voted in favour of some of the resolutions to which it had come, still he did so with the fullest conviction that they would not go to the root of the evil, namely, the inequality of the assessment

which was so loudly and justly complained of, and which had arisen under the operation of a law which had been in existence for more than 250 years, without revision or modification. He firmly believed the complaints on the subject of the inequality of the rates would never cease until personal property was made to bear its share of the burden of the poor-rates.

Report received.

THE BOARD OF GREEN CLOTH.

LORD BROUGHAM said, he wished to ask a question of the noble Marquess the Lord Steward. Their Lordships were assured the other night that the place held by the late Sir T. Marrable, of Secretary to the Board of Green Cloth, had been filled up three months ago, by the promotion of a gentleman who had been many years in that department. He presumed the gentleman alluded to was Mr. Charles Hill; but there was also a gentleman named Henry Hill, who was second clerk in the office. His question was, whether, in filling up the one place with Mr. Charles Hill, that which Mr. Charles Hill had held was also filled up?

THE MARQUESS OF WESTMINSTER said, Mr. Charles Hill had been appointed Secretary to the Board; and his brother, Mr. Henry Hill, was appointed to Mr. Charles Hill's situation. A gentleman named Broster, who had been third clerk, was then appointed to Mr. Henry Hill's place; and the vacancy thereby created was filled up by a son of Sir T. Marrable.

LORD BROUGHAM understood his noble Friend to state there had been no reduction in the whole amount of the salaries of the office in consequence of Sir T. Marrable's death.

THE MARQUESS OF WESTMINSTER was not aware of any reduction.

COUNTY COURT EXTENSION BILL.

House in Committee, according to order.

LORD REDESDALE moved that a proviso be added to Clause 4, for the purpose of protecting the county clerks from being improperly removed from their offices.

LORD BEAUMONT was sorry the noble Lord should think any such proviso necessary. There was no danger of any of these clerks being removed by the Lord Chancellor unless for misbehaviour, inability, or insolvency.

After a few words from the Earl of HARROWBY, LORD BROUGHAM, and LORD REDESDALE, the further consideration of the pro-

viso was postponed till the bringing up of the report.

THE DUKE OF RICHMOND said, before the House resumed, he wished to ask what would be the effect of this Bill on the county rates? The expense of maintaining persons who were sent to prison by these courts was now defrayed out of the county rates, and that expense would necessarily be increased when the jurisdiction of those courts was extended. He was of opinion that the excess of the fund belonging to the courts should go to remunerate the county.

LORD BEAUMONT agreed with the noble Duke in considering it a hardship that this expense should be thrown on the county. But it was not exactly a matter that could be introduced into the present Bill, even if it were in the power of their Lordships to deal with it at all.

Remaining clauses agreed to.

House resumed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 18, 1850.

MINUTES.] NEW MEMBER SWORN.—For Davenport, Sir John Romilly.

PUBLIC BILLS.—1st Union of Liberties with Counties; Debtors and Creditors (Ireland); Registrar of Judgments Office (Ireland); Coroners' Fees Abolition.

3^d Bills of Exchange.

MERCANTILE MARINE (No. 2) BILL.

Order for Committee read.

On the Motion of MR. LABOUCHERE, the House resolved itself into Committee on this Bill.

Clause 62.

MR. HENLEY would move the insertion of words in the clause, providing, instead of imprisonment, that a fine might be imposed not exceeding the sum of 10*l*. The clause had reference to three classes of offences—neglect to perform duty, refusing to join ship, and desertion after joining ship. He wished to know whether a person suffering imprisonment under one or other of these heads forfeited his contract? In case of a man refusing to perform his work, and being thereupon sent to prison for six or twelve weeks, would his wages be going on for that period? He hoped the hon. and learned Judge Advocate would furnish the House with his opinion on the subject. Again, former Acts of Parliament made it a misdemean-

nour for the master of a vessel leaving any one of his crew on shore, and also imposed a heavy penalty on him if he did not make an immediate entry on the subject in his log-book. If he went against the man, the latter might be punished; but if he left the man behind, without taking any steps for the purpose, would he be liable to a penalty?

MR. LABOUCHERE entertained strong objections to leave it to the discretion of a magistrate to determine whether a sailor for desertion should be punished by either fine or imprisonment. He attached very great importance to this clause, as it was of the utmost consequence that stringent steps should be taken to prevent the desertion of seamen, which was now so common in the home ports, and more especially in the colonies. He believed in most cases the mere imposition of a fine would be totally inadequate to put a stop to this crying evil in our mercantile marine. It was probable that this Bill, if passed, would be followed by similar measures in the British colonies; and it was most desirable that they should adopt such provisions as were most likely to put a stop to desertion. In many of the colonies it happened that the magistrate was in close connexion with the crimp. The magistrates often acted with such collusion with the crimps as to hold out inducements to the sailors to desert their ships in the colonies, on the promise of higher wages. This was more particularly the case in the British North American provinces. He knew a case of a sailor deserting his ship in one of the ports of Australia, and who managed to earn 17*l.* in the course of a few days. What would a man of that kind care for a penalty of 10*l.*? The crimp also, in many cases, would willingly pay the fine, on an undertaking to receive it out of the higher pay the sailor would receive in the colonial port. His own conviction was, that it was their imperative duty to take effectual steps to put an end to this system of desertion, which was as injurious to the sailors themselves as it was to the shipowners. He would not object, as an alternative to the Motion before the Committee, that a proviso should be inserted in a future stage of the Bill, by which a power of fining should be given to the magistrate in cases where the captain or shipowner assented to the imposition of the fine. With this guard, he would assent to the proposal, but he could not do so without it, as it would lessen the efficacy of the Bill. As to the questions put

by the hon. Member, he was not a lawyer, but he did not believe that any consequences such as the hon. Gentleman seemed to anticipate would result from the clause.

MR. WAWN thought it was rather singular that the right hon. Gentleman objected to the limitation of the amount of the fine being left to the magistrate, while it was left to that person to determine the period of imprisonment.

SIR D. DUNDAS said, he had been asked whether, in the case of a sailor having been taken up and committed by a magistrate for not joining his ship, or for desertion, the contract was at an end. His opinion was that no end was put to the contract by such proceeding. Suppose the case of a sailor who did not join his ship for three weeks after signing the contract, and was afterwards punished for this conduct, would he be entitled to wages? This and other matters of the kind were provided for by the 48th and other clauses in the Bill. The former clause enacts, "nor shall any seamen be entitled to wages for any period during which he refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work."

ADMIRAL BOWLES was satisfied cases would often arise before magistrates of seamen deserting in which there were a great many extenuating circumstances. In such cases it would only be an act of common fairness to allow the imposition of a small fine. There was nothing a sailor felt so strongly as the infliction of imprisonment for a small offence.

MR. DUNCAN knew instances of sailors deserting their ships abroad, in which they received 2*l.* 10*s.* a month, for the purpose of getting so much as 15*l.* a month in some of our colonies. A too severe punishment could not be adopted to put a stop to such a course of proceeding.

MR. R. C. HILDYARD thought it rather extraordinary that the right hon. Gentleman should object to leave the amount of the imposition of a fine to the discretion of a magistrate who was in collusion with a crimp, while he gave him leave to decide on the duration of imprisonment. Surely some mode might be devised to meet such cases of malversation on the part of magistrates.

MR. LABOUCHERE feared that it would be impossible to frame a clause which would meet every case in which a magistrate was determined not to do his duty.

SIR G. CLERK said, that desertion of seamen often took place on the day a ship was going to sea. Suppose a man deserted in a colonial port, and was discovered and taken before a magistrate, it was for the advantage of the colony that the man should be imprisoned, that he might stop there. If, however, a fine was imposed of 10*l.*, an order might be made to deduct that amount from his future wages, and he might then be sent on board the ship, and the captain would obtain the benefit of his services during the voyage.

ADMIRAL GORDON hoped they would insert the words which he had suggested into the clause, as he conceived it would be a better course than that of adopting the Amendment of the hon. Gentleman the Member for Oxfordshire. It was desirable that a fine should only be inflicted with the consent of the master of the ship, as he could not conceive a greater inconvenience than a ship just about to sail being detained by such misconduct on the part of the crew. If he consented to a fine, he need not leave the man behind.

MR. CARDWELL feared the adoption of the suggestion of the right hon. Gentleman the President of the Board of Trade would prove futile. The right hon. Gentleman said, that he would not trust the magistrates in the colonies. Was it not a disgrace and a reproach to the Government, to allow a magistrate to sit for an hour on the bench who, as they had been told, was acting in collusion with crimps? The proper course was to take care that cases of this kind should only be brought before tribunals fit to decide the law, and where the magistrates would do their duty.

MR. R. C. HILDYARD thought the clause would prove of a very imperfect nature. If a master had to pay wages while the sailors were in confinement, he would take care not to complain with the view to imprisonment. The 73rd clause, which enacted that in certain cases both imprisonment and forfeiture might be inflicted, if the parties required it, would not meet many cases which would arise.

MR. DUNCAN wished to be distinctly informed whether a man who was sentenced to three months' imprisonment for desertion was to continue to receive his wages from the shipowner?

MR. LABOUCHERE apprehended that that part of the law relating to seamen's wages was not touched by this Bill. It would be better, however, to refrain from

going into the whole question of the maritime law at that stage of the Bill.

MR. HENLEY believed there was doubt as to the forfeiture of wages in cases of desertion, but that was by no means clear in cases of neglect or refusal to do duty. He should not press his Amendment.

MR. R. C. HILDYARD suggested the insertion of a provision, enacting that no wages should in any case accrue to a seaman during the time of his imprisonment.

MR. LABOUCHERE had no objection to give full consideration to the subject before the report.

Amendment negatived; Clause agreed to; as were also Clauses 63 and 64.

Clause 65.

MR. ANDERSON wished to propose an Amendment to the effect that in case of quitting his employ in a merchant ship, no immediate or subsequent entry of any seaman into Her Majesty's naval service shall exempt him from the forfeiture of his wages. He proposed this Amendment because he thought it was but fair and just that, in the event of seamen deserting the merchant service, and entering the Royal Navy, the shipmaster or shipowner should have some compensation for any loss or inconvenience resulting to him from such desertion. He cited several instances of the hardships accruing to the shipmaster and shipowner from their seamen, when abroad, volunteering on board men-of-war. He said that when the shipowners were considered to be a protected class, there might have been some pretext for subjecting them to inconvenience or loss, for what was supposed to be the public benefit. But such a pretext no longer remained; and it was the height of injustice to encourage seamen to insubordination and dishonesty, by holding up Her Majesty's service as a refuge, and Her Majesty's ships as receptacles, for every unprincipled seaman who might wish to commit a breach of his engagement to his employer. This law was the cause of much insubordination in the merchant service. It was often availed of for the mere purpose of getting the balance of wages in a foreign port to squander in dissipation. And he considered it would be a gross inconsistency in the House, while passing an Act for the professed object of improving the moral habits of seamen, to leave unrepealed so demoralising a statute.

Amendment proposed, in page 23, line 14, after the word "forfeited," to insert these words, "and no immediate or subse-

quent entry of such seaman into Her Majesty's Naval Service shall exempt him from such forfeiture of wages."

SIR F. T. BARING believed the adoption of such a proposition would be most injurious to Her Majesty's service, as well as to the seamen themselves. The hon. Gentleman had intimated that the number of cases of the kind was very numerous. Now it appeared, from a return which he held in his hand, that during the last year the number of men who had volunteered from the mercantile marine into the Royal Navy was only 289. Considering the whole matter, he did not think the system worked very hard or pressed heavily on the shipping interest. The practice rested upon a number of enactments, and it had always been regarded as of the greatest importance to the public service; he therefore could on no account consent to adopt the Amendment. It was well known that in a large body of men who were entrusted with the exercise of power, there would always be some cases of misconduct; and he believed it would be found, in the greater number of cases, when parties volunteered into the Navy, there were two stories to be told. He thought, also, that if the House interfered to prevent the merchant seaman from volunteering into the Royal Navy, they would deprive him of almost the only remedy he had against the tyranny and hardship to which he was often subjected in the merchant service. It should also be known that specific instructions were given to the officers on every naval station not to take any seamen as volunteers which would have the effect of preventing the sure working of a ship. It was the duty of the officers of Her Majesty's Navy to give every protection and aid to the trade and commerce of this country. He had searched the records of the Admiralty for a long time back, and it did not appear that any complaints to signify had been made as to the mode in which the order of the Admiralty had been carried out. The Admiralty was always ready to listen to complaints on this and other matters affecting the merchant service. It was only during the last few months, and since this Bill had been before the House, that cases of this kind had been brought forward. The temptation to volunteer on board a man-of-war did not arise from the offer of higher wages, for the seamen generally received more in the mercantile marine than they did in the Royal Navy.

MR. ANDERSON did not complain of

the conduct of the officers of the Navy, but of the law.

MR. W. FAGAN said, that some seamen in the employ of one of his constituents had deserted to join the Royal Navy, and the consequence was that the vessel to which they belonged was unable to proceed on its voyage. That was a grievance which he thought demanded some remedy at the hands of the Government.

MR. ALEXANDER HASTIE wished to remind the hon. Baronet the First Lord of the Admiralty that not only the 289 seamen were allowed to volunteer into the Navy in places where it was most difficult to supply their places, but also that merchants' ships could not proceed to sea in consequence of their absence. It was very well to say this was the law of the land, but it was time they should get rid of such a law.

THE CHANCELLOR OF THE EXCHEQUER said, it was well known that the object of sending men-of-war to distant parts of the world was to protect the trade and commerce of the country, and that could only be accomplished by having the Royal Navy in a state of efficiency. It was, therefore, of more interest to shipowners that the Royal Navy should be manned by British seamen than that the merchant service should be so manned, and no facility which enabled the former to obtain a complete crew should be done away with. If an officer behaved in such a way as to inflict an injury on a ship by taking the crew away, he would be liable to an action for damages, besides receiving the censure of the Admiralty.

MR. DUNCAN thought it was only fair, in conformity with the suggestion of the Chancellor of the Exchequer, that the British shipowners might be allowed to take as many foreigners as they pleased towards forming their crews.

MR. HENLEY said, he was startled to hear the right hon. Gentleman the Chancellor of the Exchequer say that an officer of the Navy was liable to an action for damages, if he took sailors out of a merchant ship to the injury of the owners. Was it not an injury if a shipowner was obliged to pay 100*l.* more wages, in consequence of some of his sailors being allowed to volunteer into the Royal Navy?

THE CHANCELLOR OF THE EXCHEQUER stated that a case of the kind occurred at the end of the last war.

MR. HENLEY wished to know whether in that case the capture and destruction of

the vessel was not alleged to have been occasioned by the officer having impressed a great portion of the crew into his ship?

LORD J. MANNERS said, that the observations of the right hon. Gentleman the Chancellor of the Exchequer respecting the importance of having a large proportion of the crews native would have been admirable if made before the repeal of the navigation laws, but they were antediluvian and totally inapplicable since the passing of that measure. The navigation laws had been repealed on the principle that we were to leave the merchant service wholly independent, and that it was of the utmost importance, though the Navy should continue to be manned by British seamen, that it should not be dependent on the merchant service for the supply of men. The Government, during the discussion of the navigation laws, had repeatedly declared this, and therefore the Committee were now bound to disregard any such arguments as had been urged by the right hon. Gentleman. The Shipowners' Association of Liverpool had considered this system, and thought it was a great grievance, and were unanimously of opinion that it should be put an end to. He thought that they should abolish those distinctions respecting the employment of foreigners on board the merchant ships, as they presented sensible obstructions and hindrances to commerce and the interests of the shipowners.

MR. MACGREGOR believed the true remedy for this complaint would be to allow the British shipowner to man his ship as he pleased.

MR. W. BROWN said, he was sorry to differ from Her Majesty's Government on a subject of such great importance as the present; but he believed that the facility with which seamen could enlist on board ships of war had the effect of making them mutinous on board merchant vessels.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 33; Noes 49: Majority 16.

Clause agreed to; as was Clause 66.

Clause 67.

MR. HENLEY thought some words were necessary to be introduced into it to protect the interests of a man who had inadvertently given a false name.

MR. LABOUCHERE said, the wages would only be forfeited in case the false name was given wilfully and fraudulently, and that he should take care to render the clause clear in this respect.

MR. WAWN said, he would never consent that the forfeited wages of seamen should go to fill the exchequer of the Board of Trade. He should move as an Amendment that such forfeited wages should be applied in aid of the Merchant Seamen's Fund.

MR. LABOUCHERE would oppose the Amendment. The forfeited wages would go to reduce the fees on the merchant service, and they would not be diverted from their proper purpose by the Board of Trade.

Amendment withdrawn; Clause agreed to; as was also Clause 68.

On Clause 69,

COLONEL THOMPSON said, the clause might be improved by cutting off superfluous words, and making additions which should effect a greater demonstration of equality in regard to the interest of the sailor. What, for instance, was the meaning of "immediate" destruction, and "tending immediately to endanger?" Why, would not "endangering" do as well? The words were only a peg for a sharp practitioner to hang a difficulty upon. And why were the injuries to the sailor which were to constitute a misdemeanour, limited to endangering "life and limb?" Great injuries might be done, and were done continually, which could not be proved to have attacked either life or limb. The public impression was, that, short of this, almost any degree of cruelty might be exercised on sailors, and was continually exercised, without any effectual redress being had. He would therefore ask the Government to introduce words making every thing a misdemeanour under this Bill, which was a misdemeanour by law anywhere else. He could not see what objection there could be to that; and it would add to the efficacy of the Bill, which would always be dependent on carrying public opinion along with it.

MR. LABOUCHERE said, that he had never attempted to disguise from the House that it was his intention by this Bill to introduce a stringent system of discipline into the merchant service; and they must run some risk for the attainment of that most important object; but he believed, in the long run, its adoption would prove as beneficial to the sailors as to the shipowners. He hoped he had not neglected the interest of the sailor in the present measure, or had not protected him against the abuse of power on the part of the captain. There would be local boards

before which complaints were made; and if cases of cruelty or habitual drunkenness could be made out, the captain's licence would be stopped for ever. He hoped his hon. and gallant Friend would not press the adoption of his suggestions.

Clause agreed to.

The House resumed.

Committee report progress.

To sit again To-morrow, at Twelve o'clock.

ANSWER TO ADDRESS OF CONDOLENCE TO HER MAJESTY.

LORD M. HILL appeared at the bar, and said, that he had had the honour of waiting upon Her Majesty with the Address of Condolence agreed to by their honourable House upon the occasion of the lamented death of His Royal Highness the Duke of Cambridge, and that Her Majesty had been graciously pleased to return the following Answer:—

"I have received with satisfaction, and as a gratifying proof of your attachment to My Person and Family, the loyal and dutiful Address of Condolence which you have presented to Me on the loss I have sustained by the death of My beloved Uncle the Duke of Cambridge."

MONUMENT TO SIR ROBERT PEEL— ANSWER TO ADDRESS.

LORD M. HILL then informed the House that he had had the honour of waiting upon Her Majesty, and of submitting to Her Majesty the Address of that honourable House, praying Her Majesty to take into Her gracious consideration the Motion passed in the House for erecting a monument to the late lamented Sir Robert Peel, and that he had received Her Majesty's commands to return the following Answer:—

"I have received your Address, praying that I will give directions that a Monument be erected, in the Collegiate Church of Saint Peter, Westminster, to the Memory of the Right Honourable Sir Robert Peel, with an Inscription expressive of the public sense of so great and irreparable a loss, and assuring Me that you will make good the expenses attending the same:

"And I shall give directions in accordance with your Address."

ANSWER TO THE MESSAGE OF CONDOLENCE TO H. R. H. THE DUCHESS OF CAMBRIDGE.

LORD SEYMOUR appeared at the bar, and informed the House that he was the

bearer of the Answer of Her Royal Highness the Duchess of Cambridge to the Message of Condolence on the death of the Royal Duke:—

"Cambridge House, July 18th, 1850.

"I am very grateful to the House of Commons for presenting me with the Address, which you have been kind enough to read, on occasion of the death of my late excellent and revered Husband; and I beg of you to convey my heartfelt thanks to the House of Commons, for these expressions of their condolence with me, and for the regard with which the name of the late Duke of Cambridge has been mentioned by them. Nothing can be more consolatory to my feelings, in my present bereaved state, than the assurance that the Character of my late Husband is duly appreciated.

"Augusta."

INDIAN FINANCE.

SIR H. WILLOUGHBY begged to call the attention of the right hon. President of the Board of Control to the fact, that the annual returns of the East Indian finances, which, by the Act of 3 and 4 William IV., c. 85, sec. 116, ought to be produced within the first fourteen sitting days of Parliament after 1st May in each year, had not yet been laid on the table. He wished to know why the Act had not been complied with. There had been great irregularity in this respect during the last two or three years.

SIR J. C. HOBHOUSE said, it was perfectly true that the Act of Parliament, of late years, had not been strictly complied with, and he would satisfy the hon. Baronet why that had not been the case. The Indian accounts consisted of two heads: the Indian accounts, and the home accounts. As to the home accounts, they were made up to the 30th of April every year; and between the 13th of April and the fourteen sitting days, it might, under the circumstances, be very difficult to have these accounts prepared in a fit state for presentation to Parliament. The accounts, after they had been prepared, had to be examined by the Court of Directors, to be audited by the Court of Directors, and then to be transferred by the Board of Control, which had again to audit them, and again to look over them. This might account for the home accounts not being presented so soon as the Act described. As to the Indian accounts, there was nothing to prevent them being presented earlier; and the only reason why they were not presented earlier, was, that it had been thought expedient that both accounts should be presented together.

Therefore the presentation of one set of accounts had been delayed to present the other. On looking into the subject, he did not see the necessity for both accounts being presented at the same time. The reason why the Indian accounts were delayed was, that they were the largest accounts. He did not see the necessity of presenting both accounts on the same day, and should take care in future that the Indian accounts should be presented at the earliest possible period.

PROVISION FOR THE DUKE OF CAMBRIDGE AND THE PRINCESS MARY.

LORD J. RUSSELL appeared at the bar, and brought up a Message from Her Majesty.

Message from Her Majesty brought up, and read by Mr. Speaker (all the Members being uncovered), as follows:—

“ VICTORIA R.

“ Her Majesty being desirous, upon the decease of Her late Uncle, of making competent provision for the honourable Support and Maintenance of His Royal Highness the Duke of Cambridge and Her Royal Highness the Princess Mary of Cambridge, recommends the consideration thereof to Her faithful Commons, and relies upon the attachment of this House to adopt such measures as may be suitable to the occasion.

“ V. R.”

Committee thereupon To-morrow.

ENGLISH AND IRISH UNIVERSITIES.

Order read for resuming Adjourned Debate.

MR. ROUNDELL PALMER: In rising to express his sentiments upon this Motion, he might be allowed briefly to advert to the circumstances of the previous debate. After a long debate, the noble Lord at the head of the Government stated most unexpectedly, and to the surprise, certainly, of all who were interested in the universities, that, without reference to any vote to which the House might come upon the Motion before it, it was his intention to advise Her Majesty to issue an inquiry, not into all the universities alluded to in the Motion, but into the universities of Oxford and Cambridge. On the occasion of that announcement it occurred to him (Mr. Palmer) that the debate had acquired an importance for which Members had not come down fully prepared, and that, under the circumstances, it would be extremely desirable, for the best interests of those most important institutions, that at

least a good opportunity should be given to all who were interested to express their views upon the propriety of the Commission of Inquiry proposed by the noble Lord. It might be in the recollection of the House, that upon that occasion also he expressed his opinion that the Commission, as proposed, would be an illegal one; whereupon the noble Lord and the then Attorney General said, that it was not the intention of the Government to propose the issue of any Commission which should be authorised to exercise any powers of a compulsory nature. He understood the noble Lord to say, that according to the view he then took of the subject, the intended Commission should issue for the purpose only of receiving the voluntary statements which individuals might be disposed to tender, and that they should not compel the production of evidence, muniments, or documents. Though to that extent the Commission of the noble Lord might not be, strictly speaking, illegal, yet it was of the highest importance, in considering whether any Commission ought to issue, that the House should pay some regard, as part of the element of the question, to the real legal relations between the universities and the colleges within them and the Crown. The universities were corporations of a public nature. The colleges, on the contrary, were corporations of a private and charitable nature. The relations of the Crown to the universities themselves were of a very unsettled and undefined character in point of law; but, upon the other hand, the relations of the Crown towards the colleges were perfectly clear, settled, and definite. The universities were corporations unique, in point of fact, but bearing a much closer analogy to municipal corporations for the government of towns than to any other corporations known to the law. They returned Members to that House—an important public franchise. They exercised a jurisdiction of a civil and criminal nature, not only over their own body, but over all persons residing within certain precincts. In fact, in every point of view the functions which they exercised were of a public character; and he apprehended that they must be dealt with upon those rules of law which were applicable to public corporations. Now, there were of public corporations only two kinds—civil and ecclesiastical; and there were no public civil corporations except the universities and the municipal corporations. The universities had been

decided by law to be lay or civil corporations; and therefore no considerations of an ecclesiastical character had really any bearing upon the question of the universities. Ecclesiastical corporations would be subject to spiritual visitation, but that was not the case with the universities; and he apprehended, if they looked to principle, that the power of the Crown over them would be the same, and no other, than it was entitled to exercise over municipal corporations. But the Crown evidently had no compulsory power to alter the charters of municipal corporations. All alterations in such must be by the authority of Parliament; all corrective jurisdiction over them must be exercised in the Court of Queen's Bench; and though it was true that the Crown did, many years since, issue a Commission of Inquiry into the municipal corporations, which was by most of them submitted to, yet there was a doubt then whether the compulsory powers intended to have been given to that Commission could or could not have been exercised. This analogy, however, applied only to the universities, whilst the Commission intended to be issued by the noble Lord had reference far more to the colleges than to the universities. With respect to the colleges, the case was totally different. It was perfectly settled law that the colleges were private charitable corporations, subject exclusively to the jurisdiction of the visitors appointed by the several colleges, and that the Crown had no power whatever to introduce any changes into them, to institute a compulsory inquiry, or to operate upon them in any manner whatsoever. Parliament alone was competent to exercise those powers—powers which it possessed over these bodies, as it did over all other institutions and property, whether public or private, within the realm. There was one observation which it was important to bear in mind upon this part of the subject. Reference might perhaps be made to precedents of Royal Commissions issued for inquiry into the universities and colleges, and by virtue of which, as it was supposed, extensive changes had been made in those institutions. The history of that part of the case was this:—In the reigns of Henry VIII. and Elizabeth, Acts of Parliament were passed which purported to transfer to the Crown every kind of spiritual jurisdiction which had been exercised in any matter spiritual by any authority before that time; and at that time, as before the Reformation, and for a consid-

erable period afterwards, it was commonly imagined that the universities and the colleges within them were spiritual or ecclesiastical foundations, amenable to spiritual cognisance, and to be governed by the rules of ecclesiastical law. And, proceeding upon that notion, Commissions were issued by Henry VIII., Elizabeth, Mary, and Edward VI., not only for the purpose of inquiry into the universities and colleges, but with the largest powers to alter any statute of any college, and in fact entirely to remodel the whole system as the Commissioners might think fit. The fate of those Commissions was remarkable. At Cambridge very extensive alterations were actually made in the statutes of a variety of colleges, chiefly those of Royal foundation, by the Commissioners; and he believed that the statutes so altered at Cambridge had been acted upon down to the present day. The original legality of those altered statutes was more than questionable; though, at the present day, they would probably be supported by those presumptions which the law always made in favour of what had been long acted upon. But at Oxford the case was quite different. At Oxford, the Commissioners who visited, in the reign of Edward VI., took upon themselves to alter the statutes of the colleges, and to do precisely as had been done at Cambridge; but their alterations never were submitted to in one single instance. No attempt was made to enforce them. They were a dead letter, and to this day every college in Oxford was governed without dispute by the statutes given by the original founders, subject only to such alterations as the powers in those statutes themselves enabled, from time to time, to be effected. But the matter did not rest there, because afterwards, in the reign of Charles II., it so happened that a legal question on which the validity of those Royal visitations entirely depended, whether the colleges and universities were of lay or ecclesiastical cognisance, came to be considered; and it was solemnly determined in that reign that they were entirely and purely lay corporations, with nothing of an ecclesiastical character about them, and that no statute giving spiritual jurisdiction could confer upon the Crown any such right over the universities or colleges. From that time to the present it had been clear, undisputed law, that the universities and colleges were merely lay corporations, and that they must look to the civil law of the land for any sanction for interfering

with those institutions. Afterwards, King James II. attempted to exercise exactly the same powers. That attempt was gallantly and manfully resisted; and every historian, down to the latest, Mr. Macaulay, had concurred in recording that action, in which Magdalen College, Oxford, took the lead, as worthy of the spirit of that body, and as a just and noble assertion of the liberty of the nation against the encroachments of James II. That was the history of past visitations and Commissions of Inquiry into the colleges and universities. The result certainly was this, that whatever these Commissions of Inquiry might do, whatever information they might obtain, the noble Lord could not, upon his own authority, act upon it to the minutest extent; but he must come to that House and ask Parliament to do whatever he might desire. Then the question that arose was, would it be possible for Parliament to legislate in a satisfactory manner upon evidence obtained by a Commission which had no powers to obtain evidence, and which could, in fact, only invite those who were dissatisfied with the universities, and who had changes to propose, to go before them and state their complaints? The case was embarrassed with peculiar considerations. Under ordinary circumstances it might perhaps be supposed that any request of the Sovereign, that information might be given, was one which ought at once to be complied with. But in several of the more ancient and important colleges of the universities there was this peculiar and embarrassing circumstance, which must and would inevitably operate on the minds and consciences and judgments of at least all those whom he might call the conservative members of these colleges, that they had all taken oaths that they would to the utmost of their power, in every position, resist the attempt of any exterior power to impose changes upon them; and also, that they would make no disclosure of the internal affairs of their colleges to any person, by means of which such interference might be promoted. Now, whether it were wise or not that such obligations should be assumed by the members of any corporation under the government of the British Crown, he would not inquire; yet, undoubtedly, the law had hitherto allowed those obligations to be assumed without question, and in that state of circumstances it was impossible not to see that there would be the greatest repugnance, the most conscien-

tious difficulties, as to volunteering information, especially in matters which had a tendency to produce changes. The result therefore would be that unless they were armed with the authority of the law, unless they had from that House power to enforce the information which was desired, it would be impossible but a sense of those obligations should impose insuperable difficulties in the way from those whose attachment to the colleges and universities was the most unquestioned, and whose experience was the greatest. Now, he asked why should this Commission issue at all? Where was the necessity and occasion for it? The noble Lord stated that there had been inquiries of this description into other institutions not less important, into the church and cathedral revenues, into the municipal corporations, and the charities throughout the kingdom—most important subjects, without doubt; still he was free to say that with respect to all those, it would have been much more satisfactory and constitutional if the inquiries had been always made under the authority of Parliament. There were reasons, however, in those cases why some legislative interference should take place; all those commissions were really issued with a foregone determination, in the minds of those who issued them, that it was necessary, for patent and obvious reasons, to make extensive and important changes in those institutions, to reorganise and reconstruct the revenues of the Church, and to entirely change the constitution of municipal corporations; whilst, in the case of charities, it was known that many of them had been swallowed up in utter darkness, and that the grossest frauds had been perpetrated. But those precedents were totally inapplicable to the present case, because the noble Lord had not told them that he intended to introduce any new organisation into the whole system of the universities or colleges, or that they were the seats of such abuses as to require organic and extensive change. Indeed, it appeared to him that the noble Lord's own view of the object which the Commission was intended to answer, was exceedingly indistinct. With respect to the universities, there were two most serious and important questions affecting them; and he hoped it would not be supposed that he, whilst deprecating the proposed mode of interference, thought they were incapable of improvement, or wished them to remain in exactly their present position.

On the contrary, there were extensive and important improvements which he trusted to see effected, but which he thought could be done better, more wisely, more safely, and more usefully, by at least leaving public opinion in the universities themselves time to work. There were two very important questions affecting the universities as distinct from the colleges, and he did not see that the noble Lord's Commission was intended or calculated to deal with either of them. One affected the connexion of the universities with the Church, and the question of the admission of Dissenters. To any change which might sever the universities from their present relations to religion and the Church, he (Mr. Palmer) would be decidedly opposed; but the noble Lord justly stated that this was a question depending upon principles and facts already perfectly well known, and as to which no new information was necessary to be obtained by the Commission. That, therefore, was out of consideration altogether. Another very important matter, also noticed by the noble Lord when he stated that there were only about 1,600 students in the University of Oxford, and in which he (Mr. Palmer) cordially agreed with the noble Lord, was, that he wished to see the benefits of those great universities much more largely extended. But how was that to be done, and how did the Commission effectively deal with the difficulty? There was a time when the universities (he spoke more particularly of Oxford) were open to a degree of which we in the present day had lost all trace and vestige. In the reign of King Edward I., just about the time of the foundation of the first college in Oxford, it was stated that there were as many as 30,000 students in that university, and as many as 300 licensed halls for the residence of students; and, this being the previous and original state of the university, it afterwards came to pass that nineteen most noble foundations, the colleges, were founded. They were not at all intended to supersede, and for a long period they did not at all interfere with, the licensed halls that existed before; but it so happened, that during the troubles of the Reformation the number of students in the universities declined very greatly, and so by degrees the universities dwindled to the dimensions of colleges, and the few endowed halls became assimilated to the colleges. Lord Leicester then being Chan-

cellor, assumed to himself the right to nominate the heads or governors of all the halls in the university, and that being conceded to him, the power of establishing new halls passed out of the hands of the university into those of the Chancellor; and from that time to this, unless the power had been taken away by Archbishop Laud's statute, it remained in the Chancellor, and not in the body of the university. Archbishop Laud's statute required that every student of the university should be admitted a member of one of the existing colleges or halls within a week of his matriculation. The consequence was that it would be impossible, unless we reverted to the old system of opening licensed halls, to augment the number of students beyond the capacity of the accommodation to be found within the twenty-four existing colleges and halls—a very serious evil, as it appeared to him. He ventured to point out another very important matter, which he thought could be obtained by reverting to the old system, and abolishing the present monopoly—he meant the regulation of expenses. We had now a scale of living, manners, habits, and discipline, which, in colleges filled with large numbers of students who had always been accustomed to it, and where it had become traditional through successive generations, it would be extremely difficult to interfere with. They could not well begin *de novo* in existing institutions; but nothing would be more easy, if new halls were opened, than to place them from the beginning under a strict and economical discipline. Let all the meals be in common—no expensive private furniture be allowed or let—a regulated scale of expense and a system of living be established—as had been done in similar institutions recently founded for poor students elsewhere—in accordance with the class of students likely to frequent them. Thus would they at once enlarge the benefits of the universities, and diminish the expense. Now, did the noble Lord propose to do that by his Commission? and, if so, was it at all necessary for that purpose? The noble Lord appeared to have nothing of the sort in contemplation; and there could be no doubt that there were existing powers in the universities amply sufficient to authorise what he (Mr. Palmer) had proposed. Nothing more was necessary than that it should be demanded by public opinion, to induce the authorities of the universities gradually,

and of their own accord, to make changes of that description; and if they had not been made before, it was because they had not been demanded by public opinion. For many years past this subject had been, to a certain extent, under discussion in the *Edinburgh Review*. Very learned men entered into the controversy, Bishop Coplestone, Provost of Oriel, amongst them; and public opinion was with Bishop Coplestone against the *Edinburgh Review*. Public opinion would tend to improvements, however, in the long run; and he was convinced that it would do so, on such points as these, in the university itself, as soon as out of doors. These subjects were really not at all included in the views expressed by the noble Lord in announcing his intention to issue a Commission. It seemed, indeed, and he confessed he was most extremely surprised to hear it, that the Commission originated in the noble Lord's mind wholly out of a desire to enable the colleges to co-operate with the universities in the recent additions which had been made to the system of academical instruction by the local authorities themselves. The noble Lord had given great credit to the university authorities for the changes they had made, and he said that he was far from wishing in any manner to interfere with the success of those measures; on the contrary, the object of the Crown was to promote the success of those educational measures, and to bring the colleges into stricter co-operation with the universities upon that subject. The noble Lord, however, was totally mistaken in the idea he seemed to have formed as to the bearing of the colleges and their statutes upon this question. He appeared to think that in two or three ways the colleges had a mischievous bearing on the success of those measures. First, the noble Lord thought that their statutes were opposed to the introduction of the new courses of study introduced within the universities. Why, there was not the slightest foundation for such an idea. There was nothing whatever in the statutes of any of them prohibitory to the study of chemistry or modern history, or of any other liberal branch of knowledge. Nothing could be more general, more enlarged, or more liberal, than the statutes of those colleges, so far as related to the subjects of study and the course of education. He knew it was so in Oxford, at least, and in the colleges to which he belonged. They offered no obstacle whatever to the adoption of any new

courses of study. Then, if that were so, was Parliament really to be asked to dictate the course of lectures to be delivered within the Universities of Oxford and Cambridge—to lay down how many lectures in chymistry, in mineralogy, in botany, or in modern history, should be delivered? Would it not be much more sensible for the House to trust to that spirit of improvement which it was admitted had been acted on in the universities—to those active minds whose example was urging them forward to the adoption of these measures? The noble Lord was surely much in error with respect to the actual state of education and knowledge within the universities. He had surely forgotten certain circumstances which ought to have been the best evidence that, even before the recent alterations were introduced, the education at the universities was equal to that at any other situation in this or any other country—that it was a liberal and enlarged education, and one which was well fitted to prepare men for the ordinary business of life. The noble Lord had only to look round among his own colleagues in order to find several distinguished members of the University of Oxford—men who were educated there before these improvements were introduced, and who were not inferior in practical ability, nor less capable of dealing with the practical affairs of mankind, than any persons who had been educated elsewhere. He might mention the Secretary of State for the Home Department, the Chancellor of the Exchequer, the First Lord of the Admiralty, the President of the Board of Trade, and the Earl of Carlisle—all of whom were most distinguished members of the University of Oxford, and who were educated there under the old system. If the noble Lord looked to the other side of the House, he would find many similar cases. He was speaking of Oxford only, and he hoped that no one would suppose that similar testimony could not be borne with reference to Cambridge. It was a remarkable fact that, under the system of education pursued in the universities, without the interference of a Royal Commission, and without any of the projected changes which were now thought necessary to adapt them to the spirit of the age—under the old system were educated the very men who had become the great lights in the branches of knowledge which it was now desired to introduce into the universities. Who was it that gave the great impulse to the

study of modern history? Dr. Arnold. Who were the great lights in geology? Dr. Buckland, Sir Charles Lyell, and Dr. Sedgwick. Who were the great historians of the age? Mr. Hallam and Mr. Macaulay;—all university men, and who were highly distinguished at the universities. He might even cite some of the gentlemen who, with a laudable zeal for the improvement of the universities, were now pushing for a commission of inquiry into them. Some of these gentlemen he knew were members of the University of Oxford, members of whom that university might well be proud, and who he believed were proud of the University. The noble Lord seemed to suppose that the desired improvements might meet with obstacles which had not hitherto obstructed the natural growth of improvement in the universities from certain peculiarities in the constitution of the colleges; and upon this subject he (Mr. Palmer) could not help thinking that the noble Lord had taken up the view entertained by the highly respectable gentlemen to whom he had referred, but which had been proposed by them and advocated by them with a totally different purpose from that of the noble Lord. Those gentlemen, it was true, proposed that all the restrictive clauses of the college statutes should be abolished—that the colleges should be thrown as open as possible—that there should be no local or birth preferences—and that they should choose the best men to fill the vacancies which took place; but they did not advocate these views with reference to geology, chymistry, or modern history. They proposed them with reference to a general principle, and with a laudable zeal for improvement, which he, for one, certainly considered overstepped the limits of sound and wise discretion as applicable to charitable foundations; for, if the foundations were noble and excellent in themselves, and if the public derived benefit from them, it would be extraordinary if they were now for the first time, and after the lapse of centuries, to act upon the principle that they should abolish something which had done perfectly well, merely because they could devise something better. Was this the way they acted with regard to charities of yesterday? Why, it was matter of everyday experience in the Court of Chancery that, however singular might be the caprice of a testator, provided it did not go beyond the limits of the law, it was treated as a thing that was inviolable and

sacred. That was the general principle of the law; and while such was the state of the law in general, were they now suddenly, and in the case of the institutions now under consideration in particular, to deviate from that rule—not upon the ground that there was anything absolutely evil to be got rid of, but simply that something better could be obtained? The noble Lord referred to the cases of birth preferences and local preferences, and preferences to particular schools. Now, with respect to this point, there were two eminent examples which he wished to point out. William of Wykeham, one of the greatest men of his day, founded a great institution with two branches, a noble public school for seventy scholars at Winchester; and, in order that those scholars might be competently provided for in one of the great universities of England, he founded another institution not less noble at Oxford, whose ranks were to be recruited from that school. And this was one of the connexions between the schools and the colleges which it was proposed to disturb. Something of the same kind existed between Eton and King's College, Cambridge. It did appear to him that such ideas, brought forward by way of improvement, ought to warn hon. Gentlemen against placing too much confidence in the academical reformers who proposed them. It was, no doubt, desirable that all preferences, of whatever sort, should be controlled to some extent by a just and proper standard of merit, and that the persons selected should be well qualified with respect to personal character, and also with respect to a certain amount of attainment. Such was clearly the intention of the founders; and there was, therefore, no necessity for any alteration of the statutes in order to give effect to their intention in those respects, because they evidently did not mean that incompetent persons, or persons unworthy of the charity, should be admitted members of the foundation. Hon. Members would accordingly find that whenever the question was brought before the proper judges, it was always held that the prescribed preferences should be construed in a liberal sense, and administered in a liberal spirit. What they really wanted was, not a commission to suggest paltry alterations in the great institutions of our forefathers, but better means of giving effect to their intentions; because it really did not show a sound knowledge of the statutes to imagine that the saying of

masses for souls, and other minor provisions and details, were essential parts of the founders' intentions. A just and true, as well as liberal interpretation of statutes, would always distinguish the main purpose from the secondary purpose of a particular enactment; and he believed that if they brought the proper jurisdiction and authority to bear upon the question, they would find that whatever abuses existed in the colleges had arisen more from customs adverse to the liberal intentions of the founder than from any obstructions offered by the statutes to proper improvement. He confessed it appeared to him that they ought not to forget what the colleges had already done, and to contrast it with what the Crown had not done. In the University of Oxford within the last 20 or 30 years no less than 12 out of the 19 colleges, which were previously close foundations, had spontaneously adopted a wiser and sounder and more liberal interpretation of the wills of their founders, and had opened the colleges, as far as the founders' intentions (so interpreted) allowed them, to merit of every description; and with respect to the others that were behind in the race of improvement, he had not the slightest doubt that if they were not unnecessarily alarmed, and if a spirit of resistance were not created in their minds by ill-considered interference, they would soon follow the example of the rest of the colleges. He would now contrast this with what the Crown had not done. It appeared that by the existing law, without any commission or any legislative interference with the wills of the founders, the visitors of the colleges (and the Crown was a visitor of a great many) had the right, not indeed of always altering the statutes, but of directing how they should be acted upon, interpreted, and administered, and of reviewing the statutes, not only with respect to education, but with respect to everything else. They had the right to introduce any improvement consistent with the statutes of the founders, and to correct any abuses which might have crept into the administration of them. The real misfortune was, that that power had fallen into abeyance; and who was responsible for that? The Crown, as much as anybody, or rather the advisers of the Crown, because, as he had said, the Crown was a visitor of a great many of the colleges, both at Oxford and Cambridge, and all that it had done in that capacity was simply to act as judge of appeal in cases

where it had been called upon to do so by persons who thought themselves aggrieved; and as it was an undoubted fact that the visitors of the colleges had as much power to visit and inquire, *ex officio*, into their state and the mode of their administration as to entertain the appeals of persons who fancied themselves aggrieved, it would be a useful thing if the noble Lord would suggest means by which the Crown could institute a periodical visitation, and thereby reform such abuses as might have grown up in course of time. But they would not find that the Crown had exercised this power in any instance. In point of fact some of the colleges subject to the visitation of the Crown were colleges quite as open to exception as any of the others. It did appear to him a much wiser course for the Crown to see what could be done to improve the colleges over which it had a legal control, by administering the existing law, rather than to issue a commission as proposed; and if it should afterwards be found that it was necessary to go further, or that other institutions did not follow the example of the Crown, it would then become a question whether some new legislation might not be necessary. He could not help mentioning one thing more. In Trinity College, Dublin, one of the most richly-endowed colleges in the world, an extraordinary custom had grown up, some time since, of the senior fellows retaining their large incomes, notwithstanding the fact of their marriage. In this state of matters an application was made to the Crown—to do what? To remedy this abuse? No; to authorise and legalise it. And accordingly the statutes were recently altered by the Crown for the purpose of enabling the senior fellows to marry wives, and at the same time to enjoy the large revenues of that eleemosynary institution as private gentlemen, without reference to the question whether the old system was not a wholesome mode of providing a due succession of persons engaged in the work of education, or whether some better mode might not be discovered of employing those large revenues for the purpose of increasing the benefits of education in Ireland. With respect to this topic, he could not help thinking that the hon. Member who brought forward the Motion in this case, had given evidence of the crude and dangerous spirit in which persons who did not sympathise with the universities, and who were not conversant with those institutions, were apt to approach this subject,

because amongst a multitude of other things which the hon. Member considered most important, he found him stating in his Motion that better laws were needed to extend the permission of marriage to tutors of colleges. Now, if there was anything more clear than another, it was the importance of connecting the educating members with the educated in the closest bonds of intercourse, and of securing a succession of persons to receive the rewards of learning, who, after having contributed to the work of education, should retire and leave the vacancies to others to succeed to their place. As a proof that there was nothing monastic in the idea, he mentioned that the same system had been followed in all the colleges that had been founded since the Reformation. Experience had shown that the introduction of wives and families was an insuperable obstacle to the intimate communication which was desirable between the students and their teachers, for if there was one thing more observable than another at Oxford, it was the great degree of separation which took place between the heads of colleges and the other members of the university after they were appointed to their offices. Not that they were inclined to take less interest in education than before; but the fact was, that the new interests and the new laws and necessities of domestic life obliged them to live at home in the centre of their families, and to lose their academical character, to a considerable extent, in that of the head of a family. For all these reasons he felt bound to resist the proposed Commission. He hoped no one would suppose that he entertained any feelings but those of perfect and sincere respect, not only for the motives of the noble Lord in this matter, but also for the motives of those members of the universities from whom it was his misfortune to differ. Some of those were among his most intimate and attached personal friends. He knew their value and the value of their opinions; but, in a question of this importance, he could not allow his deference for their opinions to prevent him from expressing his conscientious conviction of the danger of the course which they proposed. Lord Leicester, the Chancellor of the University of Oxford, in a letter to the university, dated in 1570, said—

“It had heretofore been worthily accounted the right eye of this realm, and, as it were, a clear fountain, whence knowledge hath flowed to every other part and member of this commonwealth,

not only clearly kept and preserved, but most carefully governed, to the perfect growing and increase of all good literature.”

He believed that what Lord Leicester said in 1570 had been true from that day to this, and was not less true now than at any former time; and he could have no greater evidence of the inherent value of those institutions than their success in thus keeping continual pace with the progress of knowledge, and the varying wants of society, in different ages. He trusted it would never be otherwise. He could not help thinking that the true way to increase their benefit was to abstain from all unnecessary experiments upon institutions of such value, and of such sanctity in the eye of the nation—to place confidence in them, and because they had been improving to believe they would go on improving—to enforce the existing powers before inviting hasty accusations, crude theories, and one-sided views, which could not but end in a most unsatisfactory manner, and upon which if they legislated at all, he ventured to say they would run the greatest risk of interfering with the course of improvement which they desired to promote.

SIR G. GREY said, that although a considerable interval had elapsed since this question was last before the House, he considered that the inconvenience of that circumstance was fully counterbalanced by the advantage which they had derived from the delay, which had afforded time for the full consideration of the subject, and which advantage was apparent in the very moderate and temperate tone of the hon. and learned Gentleman who had just sat down. His hon. and learned Friend had considered the subject in two points of view—the legality of the Commission, and the expediency of the Commission. Upon the first point, the hon. and learned Gentleman seemed indisposed to concur with those who altogether denounced the issuing the Commission as illegal. [Mr. ROUNDELL PALMER said, that he did not intend to dispute the abstract legality of the Commission.] But, as the legality of the course had been disputed by others, and might again be questioned, he could not refrain from calling the attention of the House to the frequent instances that had occurred in which commissions precisely similar in their character to these had been issued by the Crown under the advice of the Ministers of State, commissions simply of inquiry, simply empowered to seek in-

formation from such persons charged with the administration of universities and colleges as were disposed to give it, and not at all empowered to alter the constitution of those bodies, or their statutes. He would not trouble the House with any extracts from the long and most able speech, full of the law upon the subject, which Lord Brougham, then Lord Chancellor, delivered in 1832, in confutation of those who alleged that the inquiry then proposed into municipal corporations was illegal; the perfect legality of such commissions was demonstrated so manifestly in his speech, that to this part of the subject no answer was offered. The noble Lord proved that the issuing of such commissions, even without the intervention of Parliament, upon the mere authority of the Crown, was strictly legal and strictly constitutional, and recited a vast number of these commissions, issued of late years, commencing with 1824, as to none of which had it been subsequently contended that their issuing had been illegal. In 1824, there was a Commission to inquire into the educational establishments in Ireland maintained wholly or in part from public funds. In that case, as in the present, it was admitted that the Commissioners had no authority to compel evidence from unwilling witnesses, but were merely authorised to obtain information from those who chose to give it. Next came the two Commissions of Inquiry into the Scottish Universities; the first, a Commission to inquire into these universities generally; the second, a Commission to inquire into them separately, both intrusted with large subjects of inquiry, and both encountering the refusal to give evidence of many persons who disputed their legality, but both eliciting a mass of information that had been of the greatest use to Parliament. In 1830, under the Administration of the Duke of Wellington, there was a Commission to inquire into the state of the parochial benefices in Ireland, and the stipends of the curates; a Commission, invested with precisely the same powers. In 1832, there was a similar Commission to inquire into the revenues and patronage of the Church, both in England and in Ireland; and the other Commission, to inquire into the municipal corporations of England and Wales, in relation to which Commission occurred the speech of Lord Brougham, to which he had already referred; and, again, in 1835, there was the Commission to inquire into the state and revenues of the Established

Church of England and Wales. In all these cases the same objections of illegality and of the difficulty of eliciting information were put forward that were alleged on the present occasion. The hon. and learned Gentleman who spoke last drew a distinction between colleges and universities, as though the former bodies did not come within the category of the lay corporations existing under charters from the Crown, into which the Crown had the right, as in the case of universities, to inquire. Now, he contended that, though the Crown had not the right, without an Act of Parliament or the consent of the parties, to alter the constitution of the colleges, yet the Crown had a full right, in the manner proposed, to inquire into all the particulars affecting those bodies. He believed it had been distinctly laid down that colleges, equally with universities, were lay corporations, existing under charters from the Crown, either actually expressed and extant, or, as in the case of colleges acting by prescription, understood. In 1718, it was decided by the Privy Council, upon appeal, that the Crown had an undoubted right to visit the Universities of Oxford and Cambridge, not merely in respect of specific visitatorial powers, but by commission; and, in the life of Dr. Bentley, it was mentioned that a Commission was hereupon appointed for the purpose of inquiring, though, in consequence of the University of Cambridge disputing its right to inquire, it was not considered expedient at the time to carry the matter further. As to the expediency of the Commission now proposed, the hon. and learned Gentleman had himself supported it with the strongest arguments, the hon. and learned Gentleman stating most candidly that there were several and important alterations in the state of things at our universities which he considered it desirable, if not essential, to introduce. He would not enumerate the various particulars to which the hon. and learned Gentleman had referred, but just refer to one of the most important among them—the foundation of new halls for students, whom the expense of the present halls practically excluded from the benefits of the universities. The hon. and learned Gentleman intimated his belief that the reason why this most beneficial alteration had not already been effected by the universities themselves, was simply because public opinion was not yet sufficiently advanced to warrant the step. Now, his (Sir G. Grey's)

view of the matter was, that, with regard to this, as to cognate alterations, no more efficient mode of influencing public opinion in the right direction could be adopted than the appointment of a commission, comprising men whose known character and principles, not hostile to, but, on the contrary, friendly to the universities, should be a guarantee that their only object was to benefit the universities and the country by the medium of the universities, and whose report, carefully prepared from the best information they could obtain, should show what had been done, what was doing, and what remained to be done. Most assuredly the Commission would be inexpedient were its tendency, in any degree, to retard the improvements which the hon. and learned Gentleman, in common with himself, was anxious to carry out; nor did it convey any accusation, any indication of hostility against those who now administered those great institutions, whence so many advantages were derived by the community. He had himself too grateful a remembrance of the benefits he had derived from a residence at one of those universities—benefits which that they were not greater than they were, was not the fault of the institutions or of the tutors of his college, but his own—to entertain other than the most friendly sentiments towards those great establishments. It appeared to him—let him observe while on this subject—that it would be a great advantage for young men to be induced to remain at college for a longer period after taking their degree than was the case under the present system. He could say, for himself, he had always regretted that he had not remained longer than he did at his college, after taking his degree; and he was satisfied that much good would be done by inducing young men to protract their residence at college for the purpose of attending courses upon general subjects, after they had completed their courses upon the more special subjects to which, at present, university education was mainly directed. He remembered, when at college, putting down his name to attend a course of lectures upon modern history; but only three other names were added to his own on the list, and no lectures, consequently, were given. No doubt there had since been great changes in this respect, and that the lectures of the present Professor of Modern History were eminently conducive to the interests of the many students who attended them; he

only now desired that those benefits should be largely extended. He did not imagine, with his hon. and learned Friend, that the fellows of the colleges would consider it incompatible with their oaths to give information as to their statutes; it was within his own knowledge that the University of Cambridge had applied for the consent of the Crown to the alteration of certain of their statutes; if their oaths did not preclude them from making an application for a change in their statutes, it could hardly preclude them from giving information as to the nature of those statutes. With reference to the Motion before the House, his noble Friend had, on a former evening, stated that he could not vote for it, because it might be considered as implying an accusation against the universities; but his noble Friend had, instead of the Motion, intimated a course with which the hon. Member for North Lancashire was so satisfied that he proposed to withdraw his own Motion. The House, however, not assenting to the withdrawal of the Motion, his noble Friend had intimated that he should move, as an Amendment, that the debate be adjourned till that day three months. As his noble Friend had already spoken to the question, he (Sir G. Grey) had risen to put the Amendment in his stead, and he begged, accordingly, to move that the debate be adjourned till that day three months.

Motion made, and Question proposed, "That the debate be now adjourned."

MR. J. STUART regretted that the right hon. Baronet the Home Secretary should have taken the course of moving the adjournment of the debate. He should be very much astonished to find that the propositions laid down by the right hon. Gentleman were acquiesced in by that House and by the great body of individuals whom they mainly concerned. He wished particularly to state to the House the grounds which had induced him to put his Amendment, of which he had given due notice, on the paper. The Motion of the right hon. Gentleman appeared to him to have been made for the purpose of excluding from the consideration of the House that Amendment. The right hon. Gentleman had chosen to assume—without any sufficient grounds—that everybody admitted the legality of the proposed Commission. The Amendment he had placed on the paper directly disputed the legality and the expediency of that Commission on constitutional grounds. He could hardly ex-

pect that Government would have adopted such a course—he did not expect they would have adopted any other out of respect to himself, but he certainly thought the course which had just been taken by Government was unusual, as its effect was to prevent an independent Member from proposing to the consideration of the House a great constitutional question, and to interrupt the discussion of the question by taking it for granted there was no question, and therefore no necessity for any debate upon it. His first request to the right hon. Baronet was, that he would not press his proposition to adjourn the debate, in order to give him (Mr. J. Stuart) an opportunity, not to go into the legal argument, but to state such grounds for his opposition as would make it apparent to the apprehension of rational and unprejudiced men that any advice given to Her Majesty to issue a Royal Commission for inquiry into the state of the revenues and management of any colleges or halls of the two Universities of Oxford and Cambridge, not being of Royal foundation, tends to a violation of the laws and constitution of Her kingdom, and of the rights and liberties of Her Majesty's subjects.

SIR G. GREY said, he was not aware that the hon. and learned Member wished to take the sense of the House on his Amendment. He would at once withdraw his own Amendment.

Motion, by leave, withdrawn.

MR. J. STUART thanked the right hon. Gentleman, and also the noble Lord, for this ready acquiescence in his request. He did not intend to detain the House with anything in the shape of a long legal argument, as the discussion had already lasted some time, and he should not be justified in such a course. What he wished to do was to submit to Government whether, after what had been conceded as the law by the law officers of the Crown—after what had been stated by the principal law advisers of the Crown, that a Commission to inquire into the management and revenues of colleges and halls of the two universities, if made in a compulsory form, would be illegal—whether it would be legal or expedient, without power to extract full information and the truth, to cause a Commission to issue under the power of the Crown? Why was a Commission armed with compulsory powers illegal? Simply because these colleges and halls, as individual corporations, each and all had a right to the full enjoyment of the emolu-

ments they were in possession of, and were protected in that right by all those laws which protected the rights and property of every subject in the kingdom. A Commission, with power to compel information from the possessors of property of that description, would be as illegal as would be a Commission to investigate the title of an individual to his dividends, or as to the mode by which he enjoyed his revenues. Take, for instance, one of the colleges at Oxford, where a number of individuals enjoyed revenues in common—apply a Commission to extract information—why it would be clearly the duty of each individual to resist the inquiries of this Commission as to the mode in which he enjoyed his property, the common right to the property, which all enjoyed, being, by the constitution of the law of England, the right of each individual. Take the situation of each individual of this body, and consider it with reference to the constitution of such a Commission as that advocated by the noble Lord—a Commission, not armed with powers to compel, but only armed with power to invite, disclosures—disclosures which the Crown had no power to obtain compulsorily. The property of these halls and colleges was enjoyed in common by each individual. No individual had a right to give up or to disclose anything that affected the rights of his fellows. It was an essential principle of the law of property that no man who enjoyed his rights in common, was at liberty to do anything to affect the right of another. If they admitted that principle, where could they find the power to compel a man to disclose that which which would affect the rights of another? But supposing the members of a college should accept the invitation of the Commissioners, Suppose some refused to make disclosures, and resisted successfully this Commission armed with no compulsory powers to enforce information. One man, however, obeys the invitation of the Commissioners, or yields to the wishes of the Crown. He discloses what affected the right of others, and gives information which he might successfully withhold if sought to be obtained by compulsion. He would ask the House to consider the situation of a man thus invited to give away the rights of a body of individuals to which he belonged, and that man protected by law from compulsory measures. He challenged an answer to that. He would ask whether any lawyer could dispute the position which he took.

He had framed his Amendment with reference to those considerations, and he conceived he judged rightly when he said that those considerations had not occurred to the noble Lord when he first proposed his resolution. The words of his Amendment had been well considered, the Amendment had been temperately framed for the purpose of presenting to the consideration of the House these matters. By his Amendment he wished to ask the House to consider whether the advice to the Crown to appoint a Commission to invite fellows of colleges to give away the rights of other fellows—in short, to invite the fellows of Colleges, notwithstanding their oath, to obey the invitation of the Commissioners, and to give information which should affect the rights of others, was right and expedient; or whether it tended to the violation of the law and the constitution of the country, as well as the rights and liberties of the subject. He wished the House to say whether the franchises and liberties of parties who could not be compelled to make disclosures, and who were entitled to resist inquiry, should be forfeited and given away by the aid of proceedings from which they would be protected by law. He wished the House to give the question a calm and temperate consideration. The right hon. Gentleman the Secretary for the Home Department, who ought, from his office, to be the guardian of the rights and liberties of the subject, had apparently not considered this view of the question. The right hon. Gentleman said he would take it for granted nobody would doubt the legality of a Commission from the Crown without compulsory powers. If the commission were merely confined to the right of asking one person to betray the rights of his neighbour, no one would venture to dispute the point. The right hon. Gentleman had conducted the argument in such a way as to satisfy him that he had not given full and deliberate attention to the subject. If the right hon. Gentleman had done so, he would have come to quite another conclusion. He would ask the House to consider what had been suggested. A number of commissions since 1824 had been appointed. What would have been said had a commission been appointed to inquire of individuals how their private property had been acquired, and how it was enjoyed? The right hon. Gentleman named commissions, beginning with the year 1824, and ending with the

commission in relation to the deans and chapters. But the present question stood on totally different grounds. The colleges and halls of the universities did not derive their property as rights from the Crown. The deans and chapters derived their rights entirely from the Crown. The right hon. Gentleman said that Lord Brougham had delivered an argument on the question of the legality of these commissions, which was of a kind to calm and settle for ever the minds of all men. But he would beg the right hon. Gentleman and the House to recollect that at the time Lord Brougham delivered this opinion, so much relied on, he was a Member of the Government, and pledged to maintain the views and policy of that Government. The noble Lord's opinion, under such circumstances, must not be looked upon as his sincere and deliberate opinion. The Government of which his Lordship was a Member at the time, were responsible for the measure at that time before the House; and it was necessary, therefore, to give the best support to a measure which was held by some to be illegal. Unhappily, however, for the value of the right hon. Gentleman's reference, Lord Brougham had since given another opinion, and had given it when freed from the trammels of office, and not committed to the opinions of any set of men. Lord Brougham was not then speaking as a Member of a Government, but was speaking the law of the land. Lord Brougham, only within these last few weeks, had delivered another opinion, which he (Mr. J. Stuart) considered was weighty and conclusive, because it had reference to the present Commission. He would refer the right hon. Baronet to the recent opinion of that noble Lord; and as the right hon. Baronet professed to be biassed by the opinions of that eminent legal Lord, he hoped the right hon. Baronet and the House would give weight to that opinion, as it was in favour of his Amendment. There was, then, an end to the authority of Lord Brougham, as quoted by the right hon. Baronet. How did the other argument stand, which had been relied on, as having weight, by the right hon. Baronet? He said, in 1718, in Bentley's case, it was decided that the Crown had a visitatorial power over the universities. Nobody doubted that was so. If that was the right hon. Baronet's proposition, he at once agreed to it. But did the right hon. Baronet consider what was the visitatorial

power of the Crown? What, in fact, that power meant? The visitorial power was purely judicial. It was given to the Crown, it existed in the Crown, and was exercised by the Crown to settle disputes whenever an appeal was made to the Crown to interfere. Could anything be more entirely wide of the question than to refer to the visitorial power of the Crown? Not only had the Crown a visitorial power exercised through the Lord Chancellor, but it had a visitorial power that could be exercised through a commission. He conceded more to the right hon. Gentleman on this point than the right hon. Gentleman asked. The Crown, as visitor, might issue a commission; but could the Crown issue a commission to make a roving inquiry without their being any disputes to settle? It was plain the right hon. Gentleman thought that the Commission about to be issued was a commission the same as that of the visitorial power. He thought, however, that neither the right hon. Gentleman, nor the noble Lord, could now adhere to that view. Why did the right hon. Gentleman refer to the right of the Crown as visitor? The right hon. Gentleman referred to that right, but no man disputed the legality of a commission issuing from the Crown. He had never heard any one, who had properly considered the subject, deny that power. This visitorial power was a great argument against issuing the contemplated commission. In what situation would the Crown stand if the Commission departed from its judicial character? It would act unjustly, because the Crown was now without legal power to obtain the necessary evidence. He did not find that any lawyer in the House supported the proposition of the noble Lord—a proposition to which he had committed himself by announcing that he had given his advice to the Crown to issue a Commission. The visitorial power of the Crown was a power that really had nothing to do with the subject matter of the Commission, as the authority of the Crown was limited to the settlement of disputes. The visitorial power of the Crown was exercised over certain only of the colleges and halls. In some cases the Crown had no visitorial power, it was lodged in other bodies. If the visitorial power had reference to universities, *quæ* universities, as an aggregate corporate body, which consisted of an aggregation of individual corporations, what had the Crown to do with the revenues and management of those bodies? If disputes occurred about the revenues and management of colleges, they were to be settled according to the constitution of the country, before the legal tribunals of the country, just the same as any other question of property. The Crown was a protector in its character of visitor; but it had no control over the revenue or management. It had no right to ask how the revenues were received, and to what purpose they were dedicated. How was it possible to conceive that the Crown had a right to send a Commission to the colleges, to call upon persons, who were responsible to each other as neighbours having rights in common, to ask them how they received the rents, and how they employed those rents? The hon. Member, to whose Motion the House owed the present discussion, suggested that if his proposition were adopted—if such an inquiry took place—the revenues of the colleges would thereby be greatly increased, as he considered that the college tenants had too good a time of it. They were too comfortable, and enjoyed leases of a too beneficial description. But if a Commission were given, as the hon. Member desired, then the relation of landlord and tenant could be looked into, and the result would be that he would produce a greater amount of revenue than was now obtained. But for whose benefit was this increased revenue to be obtained? [Mr. HEYWOOD: For the colleges.] He heard the hon. Member reply—The colleges. But how that would occur, he should be glad to be informed. He would ask the hon. Member how he would like a Commissioner of the Crown to come to him, and insist on settling questions betwixt himself and his tenants? No doubt the hon. Member would individually receive the Commissioner courteously, and would afford information, though he doubted that; but then, if the hon. Member was a joint tenant of property, and an inquiry were raised by the Crown or anybody else as to the rent he was receiving, if the hon. Member in such a case chose to say he did not admit the right of the Crown to ask him for information, and that the Crown had no power to compel him to give information—suppose the joint tenant was applied to by the Crown, and suppose that tenant might have some expectations of some office from the Crown, which he might think would be assisted by giving information, what right would the hon. Member have to prevent the joint tenant from giving all the information he chose to give? Suppose the

hon. Member found that the joint tenant had told all about the matter, and had recommended various alterations in the management of the property, would not the hon. Member feel that he had a right to be protected by law, and would he not feel that he had been unjustly deprived of his right by a functionary selected by the Crown? Was that a decent course of proceeding for a Government to pursue—was it a constitutional dealing with that right and liberty which every individual enjoyed in England? He did not speak simply as a lawyer. Every one was lawyer enough to know that the right of property was only valuable so far as law could protect it. But if they were to have a Commission from the Crown, without compulsory powers, which was to give away rights, and to give them away on partial information, to what would not such a proceeding lead? He respectfully asked the House to say if any answer had been given to these objections? The right hon. Gentleman the Home Secretary had said, no one was bold enough to stand up in that House and assert that which was embodied in his (Mr. J. Stuart's) Amendment; but he felt satisfied the suggestions he had now made must have raised further doubts in the acute mind of the right hon. Gentleman, who, he felt assured, was not completely satisfied with his position. He would not fatigue the House with a long speech, but he could not conclude without adverting to some matters which had been introduced and referred to by the hon. Mover of the original Motion. He admitted that the course adopted by the hon. Member was more straightforward than the course Government had taken on this question. But he could not shut his eyes to what was at the bottom of all these proceedings. He could not be satisfied that the suggestion of a Commission was only put forward to induce the House to overlook the great question of admitting Dissenters to participate in the emoluments and honours of the universities. That was the thing the hon. Member for North Lancashire evidently wished to see; nay, more, that Commission was to be the great step towards the accomplishment of this great purpose. The noble Lord at the head of the Government treated the question of the admission of Dissenters as settled by a former speech of Lord Stanley. As he (Mr. J. Stuart) understood it, Lord Stanley, when a young man, entertained notions on this question which the wisdom

and experience of his riper years made him entirely doubt the soundness of. If the noble Lord referred to the speech of Lord Stanley, he would see it would avail him as little as the speech of Lord Brougham as to the legality of the Commission did his right hon. Colleague. The noble Lord said the question of the admission of Dissenters was not involved with the question of issuing this Commission. The noble Lord considered that further inquiry could add no information to that which Parliament possessed, and that the judgment of Parliament had already been given against it. What was the purpose of this Commission, and what good purpose could it effect? Taking the universities as places for educating the people, the noble Lord said, many of the colleges had property governed by statutes, the nature of which prevented a more universal application of those funds for educational purposes. That was just what the Dissenters said. The noble Lord said, he wished to get information, so as to enable him to alter the statutes—to alter the distribution of the property, and thus to enlarge the sphere of education. This was just what the Dissenters wanted. One of the noble Lord's infirmities as a statesman—he admitted the noble Lord had many great qualities—was, that he was not very direct in the pursuit of an object. It was to be feared if the noble Lord obtained power to alter the distribution of collegiate property, that he would find some way to admit Dissenters to those institutions. It would be better if the noble Lord frankly told the House what his intentions were. The noble Lord said, Parliament had got information enough; it could not get any additional information, and he only wanted more information with respect to the property and the purposes to which it was dedicated. It would be better if the noble Lord frankly acknowledged his purpose at once. The hon. Mover of the Motion had manfully acknowledged what he did mean, and he had closed at once with the proposition of the noble Lord, and had withdrawn his Motion. The conduct of the hon. Member was more candid and judicious with a view to his ulterior objects than that of the noble Lord. But a Commission to alter the constitution of the universities, so as to give a wide scope, and, as pretended, to make them more conformable to the will of the founders and their statutes, was not a new contrivance. A Commission issued by the Crown and Parlia-

ment in 1647 was sent out, as the hon. Gentleman knew, with the view of abolishing the statutes of the universities, and making them of more extensive usefulness. A great historian had commented on the result of that Commission, and the weakness of the statesman who advised it. To the glory of the university, at a period when law was so completely subverted, they resisted the Commission, and held a convocation for the purpose of resisting the intention of Parliament to revise the statutes, with the view of obtaining the exclusive application of the funds. Lord Clarendon in his history thus wrote :—

" In this year, 1647, they had begun a visitation of the University of Oxford, which they finished not till the next year; in which the Earl of Pembroke had been contented to be employed as Chancellor of the University, who had taken an oath to defend the rights and privileges of the University. Notwithstanding which, out of the extreme weakness of his understanding and the miserable complaisance of his nature, he suffered himself to be made a party in joining with Brent, Prynne, and some committee-men and Presbyterian ministers, as Commissioners for the Parliament, to reform the discipline and erroneous doctrine of that famous university . . . which the whole body of the university was so far from submitting to, that they met in their convocation, and, to their eternal renown (being at the same time under a strict and strong garrison put over them by Parliament, the King in prison, and all their hopes desperate), passed a public Act against it, that no man of the contrary opinion, nor the Assembly of the Divines (which then sat at Westminster, forming a new catechism and scheme of religion) ever ventured to make any answer to it; nor, indeed, is it to be answered, but must remain to the world's end as a monument of the learning, courage, and loyalty of that excellent place."

The same course of a resort to a "strong garrison" to enforce obedience could hardly be adopted now. But where was the difference in the case of those persons who refused to submit to the Commission, if instead of troops they were compelled to submit by bribes, and by hopes and expectations of advantage, for there were always mean motives to be found actuating individuals belonging to large bodies? In the instance to which he had referred, it was stated by Anthony à Wood, there were to be found the names of men connected with the university who supported the Commission; those men, he said, were a pitiful set, and were known by the name of "Seekers." He did not use the word in an offensive sense, but the hon. Member for North Lancashire was in one sense a seeker himself. He did not mean to say that the hon. Member deserved the epithet used by Anthony à Wood, and that he was one of

those who sought to recommend themselves to power. Seekers in those days were comparatively unnecessary when there was a garrison of troops; but the seekers were active, and Anthony à Wood mentioned as among the employment of the Parliamentary Commissioners that not only did the seekers possess themselves of the revenue of the university, but they interfered in the games, for one of the memoranda was, that "on this day the Commissioners employed themselves in breaking fiddles and destroying garlands." Then the Dissenters, in terms of great liberality and indulgence, made another attempt through the Royal authority, and not through the Parliament, for he begged the House to observe that the only question here was, whether there should be a Commission with an authority of the Crown; that there might be a Commission with the authority of Parliament, no one denied; but here the question was upon the mere prerogative of the Crown; and he charged the noble Lord at the head of the Government with advising the Crown to use its prerogative to the great injury of the Crown, by the violation of the rights and properties of the subjects of the Crown who are entitled to its special protection. What took place under that other visitation in 1687, when, again, under the authority of the Crown, violent measures were resorted to, to force a Dissenter upon Magdalen College? That college was one of the colleges in Oxford, the endowments of which were the least applied to the purposes of education. [Mr. HEYWOOD: Hear, hear!] He inferred from that cheer that the hon. Member for North Lancashire and his friends were of opinion that the revenues in question "ought" to be employed for educational purposes. But be it observed that if they were so, such application would be contrary to the express letter of the law by which their appropriation was settled and controlled. And if by law there existed no right in any other quarter to force the application of the revenues to purposes of general education, he took it to be clear that such application could not be constitutionally effected by any other authority. Yet the Commission contemplated or advised by the noble Lord at the head of the Government, was the suggestion of another authority by which this diversion of the endowments of Magdalen College to purposes other than those stipulated by the conditions of such endowments, might be effected, although there was no warranty for it by law. He

freely admitted that Magdalen College did enjoy very large endowments; and if that noble college possessed no other claim but these laws, prescribing and limiting their application away from purposes of general education, on the gratitude of Englishmen, every lover of liberty and of his country ought to feel himself under the deepest obligations to the college in question for the noble stand which it had made in their defence. It had earned a title to this gratitude by the determined and resolute resistance it had opposed, in evil times, to the attempt at imposing upon it by royal mandate a head, in the person of a Dissenter from the established religion of the State, with an exercise of violence repugnant to the laws and contrary to the liberties of England. He quoted this fact on an authority from which he believed no Gentleman who heard him—on whatever side of the House he might be sitting—would dissent. He meant Mr. Macaulay, who, in one of the finest passages of his admirable history, described with glowing eloquence the gallant struggle maintained by the authorities of Magdalen College against the intruding nominee of James II. He contended that no Englishman, not dead to every emotion of public spirit, and every impulse of the love of constitutional liberty, could read that noble passage he was referring to without feeling grateful that Magdalen College possessed, as it did at the time of its great contest with the royal prerogative, those vast endowments which had sustained it, without being bound to their appropriation to purposes of general education. He contended that Magdalen had thus established for itself a title to the unbounded gratitude of those even who would now support the issue of a Commission destined to compel her once more to submit to an arbitrary and unconstitutional intervention with her rights and her property. Thus, he conceived, he had the authority of Mr. Macaulay for urging upon all who might be disposed to support the project of the noble Lord, whether they call themselves Whigs or Radicals, the fact that, in advocating the possible application of the endowments of Magdalen to the object of a scheme for extending general education, they would be committing signal injustice on an establishment, the conduct of whose members in a period of very great peril and violence had entitled it to the respect of all Englishmen who desired to uphold the constitution. It was that spirited conduct

which had led to some of the most important results on which had been founded the subsequent greatness and the ascertained liberties of our country, as they now existed. It had led, among other memorable consequences, to the trial of the seven bishops; and, in short, by its vindication of those rights with which the new Commission advised by the noble Lord would now interfere in a manner virtually to abrogate, he might say it had mainly conducted to the establishment of our present liberties, and the security which the law had ever since extended to our public and our private rights. For such benefits the course projected by the noble Lord would be, indeed, but an ill return. He would not much longer detain the House. His object had been merely to call their attention to some very grave considerations, which the advisers of the Commission that the noble Lord desired to issue, appeared to have totally overlooked in dealing with the general question now before them. He had spoken in the hope of inducing the House to interfere, so as either to postpone or to prevent the promulgation of that new Commission which the noble Lord had declared he would advise the Crown to issue. He maintained, in conclusion, that there was no authority, legally or constitutionally speaking, in favour of such a measure. All authority, derived from cases of analogous facts was directly against it; and he would boldly defy any one with any pretension to the character of a lawyer to vindicate such a proceeding. Such a Commission was in itself illegal, because it was not consonant to the law of England to issue Commissions authorising those named in them to call on individuals or bodies corporate to come before them, not under compulsion, but upon invitation, to give evidence as to the appropriation of their own particular revenues or endowments, when such evidence might be injurious to the interests of such bodies or individuals, or such of them at any rate as declined to concur, and were averse to the tendering of such evidence. He would protest against the Commission as one, both in its spirit and its technical conditions, opposed to the law and the constitution of this country.

Original Question again proposed.

Amendment proposed—

“ To leave out from the first word ‘ That ’ to the end of the Question, in order to add the words ‘ any advice given to Her Majesty to issue a Royal Commission for inquiry into the state of the Revenues and Management of any Colleges or Halls

of the two Universities of Oxford and Cambridge, not being Royal foundations, tends to a violation of the Laws and Constitution of Her Kingdom, and of the rights and liberties of Her Majesty's subjects,"

instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DRUMMOND said, that the hon. and learned Gentleman who had just sat down had addressed the House on the advice which had been given to the Crown by its Ministers to issue that Commission. But he (Mr. Drummond) was rather disposed to make some observations on the altered tone of the right hon. Baronet the Home Secretary on the present occasion, from that which he adopted on a former evening when speaking from his brief, as it were, on this same subject. To-night that tone was totally different from the noble Lord's at the head of the Government. He must add, however, that the right hon. Baronet's was much more moderate than that adopted by his hon. Friend, whose Motion the right hon. Baronet had risen to support. Various observations had been made on the objects originally proposed by these institutions, and the mode in which they had been hitherto carried out. On that subject it was not his intention now to enter, further than to remark that although it might not be desirable to invest the Government with compulsory powers to the extent advocated by some Gentlemen, for the diffusion of general education, he did consider it to be the duty of Government to do its best to guard the subjects of the Crown generally against imposture of every kind, and to provide a proper place, either through colleges or universities, whichever they would, where persons should be maintained who were known as individuals qualified to give the sort of instruction that it was desired these pupils should receive, and where the pupils so taught by them should receive, on quitting their classes, some sort of certificate, to show that they had duly qualified themselves for the professions they had respectively chosen. Whether this object might be more conveniently attained by the grant of degrees or diplomas, or how otherwise, he was not now prepared to say. The one important thing was, that persons should be duly qualified to teach those who repaired to them for instruction, and should be known and recognised as filling such

position. Whether the Commission which the noble Lord had advised, or was disposed to advise the Crown to issue, was or was not legal, was a technical question with which he was not prepared to deal. By far a more important question turned upon the consideration—first, of what the nature of that Commission was; second, of whom that Commission was to be composed. Now, for his own part, he was somewhat sceptical about what the results of this Commission were really likely to be when he turned to the proceedings of former Whig commissions. He held in his hand a copy of a somewhat analogous commission, issued in the "good old times" (the phrase "good old times" always implying some period at which the Whigs had been in power). It was dated in the year 1630, when a Whig Government sent down a commission to inquire into the state, condition, and revenues of the universities of Scotland. The commission authorised and empowered the Commissioners therein named to go down to the said universities, and "require the professors, heads, masters, regents, graduates, and scholars of those establishments to come in and compeer before the commission, and answer to all inquiries the latter might be minded to address to them anent the state and discipline in which their houses were severally maintained—the morals and deportment of masters and scholars, the nature of the instruction given, the punishments inflicted, and also anent the revenues and endowments of such colleges, their amount, and the particulars of their disbursement, &c." And all parties whom the commission were empowered to cite before them were also required to give evidence of any impropriety or offences of which they might be cognisant in any members, of whatever condition, of the said houses, &c. He (Mr. Drummond) was much afraid that the authority from whence he drew this strange document must himself have been a sad wicked old Tory, from the sarcastic remark with which he dismissed this commission, namely, "it being so easy to make it appear that the masters of these universities had been guilty of great crimes—seeing that they held places of preferment." The Commission now in question before the House might only depend, as to its beneficial character or otherwise, on the character of those who would compose it, and on their views about "places of preferment." But he confessed that he fore-

saw much possible danger from the precedent that the noble Lord's advice as to this Commission, might establish. If the Queen could be advised, however the question of law or constitutional usage might stand, to issue this Commission authorising Her Commissioners to inquire how these collegiate institutions used or managed their property, he wanted to know how they were to guard against the issue of a Commission, some day or other, to inquire into the mode in which the Queen used Her property? He would ask, seriously, who was to guarantee them from such a dilemma as that? It seemed to him that the noble Lord must have fallen into an error into which heads of government were somewhat apt to fall. He thought the noble Lord must have committed the error of originating a measure of this kind and importance from himself, without previously submitting it to the consideration of his own Cabinet, and there taking, in the first instance, the opinions of those who could have better advised him on the legal and constitutional points involved in the question. Certain he was that nobody who knew anything about the legal and constitutional elements in question would, even for a moment, have advised the issue of a Commission. He must confess, at the same time, that he believed the universities had become, from lapse of time and other circumstances, totally inadequate to discharge their duties in a manner and to the full extent which the public might expect and desire. But the mode by which the reasonable expectations of the public were to be fulfilled, ought not to be by the issue of such a commission as that proposed which would interfere with the property and rights of the colleges. The thing we ought to do was either to open the halls to Roman Catholics and Nonconformists, or else to give grants of public money to build colleges, one for Roman Catholics, and another for Nonconformists, while we left the degrees and honours of the universities open to all. It was perfectly impossible for them to continue the universities merely as parts of the Church Establishment after they had themselves destroyed that Church Establishment, and after that House, containing so many professed enemies to the Establishment, sat nightly in judgment upon it. A great fallacy ran through the argument of the hon. Gentleman who opened this debate as to the things which ought to be taught at the universities. The two principal parts he

alluded to were modern history and modern languages. With respect to modern history, he (Mr. Drummond) did not exactly know what was meant by it. Whigs were famous for writing political pamphlets which they called histories; one might begin with Fox's *History of James*, and go down to the latest that had come out; and if the hon. Gentleman meant that it was very important that these things should be taught to the rising generation, he (Mr. Drummond) must differ from him. However, it was a matter of taste. With respect to modern languages, the hon. Gentleman was in error. There was a great advantage in the knowledge of modern languages to those who had to mix with the people among whom they were spoken; but it was wholly erroneous to suppose that you could ever derive the same advantage from the study of modern languages as of ancient. There was a little error, likewise, as to the object to be effected by the teaching of languages at the universities. It had no more to do with the subsequent use to be made of those languages than the learning to fence or to dance had to do with the subsequent walking. You were not, because you had learned to fence, to go parrying carte and tierce through the world; but you had not proper power over your limbs unless taught in these exercises. So with the learning of the languages; the great advantage was that the mind was thereby exercised in a way in which it could not be by any other means. Illustrations might be found in that House during the last century; those who had been most distinguished in Parliament were those who had been most learned while at college. The knowledge of German had been particularly specified. You would find a greater number of persons everywhere abroad well versed in English than you would find English people well versed in continental languages; and the reason assigned abroad was that English literature was not only so much richer, but so much purer—that English was necessary for those who chiefly exercised themselves in light reading, because the light reading on the Continent was so corrupting and vicious. Now, there were many persons here exceedingly alarmed at the introduction of Popery. Even if they were right instead of wrong, in point of fact there was far greater danger to this country from the introduction of German literature, filling people's minds with that abominable system of neology. If there

was a quarter of which we ought to be jealous, it was the north of Germany, and especially Prussia. He (Mr. Drummond) very much disliked everything that came from that quarter. In politics Prussia was the most treacherous of all countries during the whole of the last war; it was the most base; it followed this country, or France, according as it could obtain something for itself. It was a Minister of Prussia who was the last that was convicted of receiving money to betray his country. Prussia was the great centre from which all the neology of Europe came forth. If there was one thing against which the universities ought most to be warned, it was the suffering German literature to become the basis of the instruction of English youth. He was exceedingly glad the adjournment of the debate was moved. [An Hon. MEMBER: That Motion is withdrawn.] It was to be moved again, he hoped, as it would give Ministers an opportunity of remembering "that second thoughts were best."

Mr. E. H. BUNBURY should confess himself much at a loss to understand the arguments of the hon. Gentlemen who had just sat down. He understood the hon. and learned Member (Mr. Stuart) to argue, that as it would be illegal if the Crown, of its own authority, were to issue a commission for the purpose of introducing certain arbitrary changes in the constitution of the universities, or the arrangements of the colleges, it was illegal to attempt to do it by a circuitous process. It appeared to him that precisely the same argument might with equal force have been applied to the case of the Municipal Corporations Commission, and to that also of the Ecclesiastical Commission; and he might add that the hon. and learned Gentleman seemed to found his argument upon the principle that they ought to legislate first and inquire afterwards. But, to enter more closely into the consideration of the question before the House, here they had a certain number of very grave charges brought against the Universities of Oxford and Cambridge; and, without saying how far those charges had a foundation in truth, he would say this—that there were a great number of persons who ought to be acquainted with the constitution and condition of those universities. The ignorance that prevailed out of doors respecting them formed a reason, not for refusing but for granting inquiry, and therefore he should support inquiry, with a view to reform.

One of the most distinguished members of the University of Cambridge, Dr. Peacock, the dean of Ely, stated that that university had undergone few essential changes during the last three centuries. Surely when they looked around them in the world they could not avoid coming to the conclusion that such an institution could not be allowed to stand still in the midst of general progress. It further appeared to him that in instituting this inquiry they must not content themselves with such information as volunteer witnesses might supply, for very many fellows of colleges knew nothing of their constitution or administration. Those matters were not so open or so simple as that any of the fellows could bring all the details under the notice of a Royal Commission. Then, as to what was even now known of their constitution, Dr. Peacock stated, that though graces were submitted to the decision of the senate, yet they were never, as in that House, accompanied by such statements as would enable those who voted them to know whether they were right and proper or not, and there might not be five persons in the senate acquainted with the real state of the facts. He could not therefore concur in opinion with the hon. and learned Member for Newark, that the issuing of a Commission of Inquiry was objectionable upon the grounds he had stated. Nothing was so easy as to say it was "unconstitutional" to issue such a commission; but it was difficult to prove that it was. Until something like an argument had been advanced on the subject, he should be content to allow the question to be determined according to the precedents already made in the ecclesiastical and other commissions of inquiry. For his own part, he was not actuated by any feeling of hostility to either of the universities. With one of them (Cambridge) he had the honour to have been connected, and it had ever been a source of pride and satisfaction to him that he had been; but, for the advantage of the universities, he wished to have the inquiry instituted. Many grave charges had been brought against them, some of which, he believed, had no foundation. The universities had been censured for not doing things which it was altogether impossible, and they had no power, to do. It was only fair they should have an opportunity of clearing away those unfounded reproaches against them. He knew, and it pained and grieved him to know, that very many of the charges made against the uni-

versities were unfounded; he thought the inquiry was, therefore, essential for their own sakes. It was not possible for the colleges to remedy many of the abuses complained of. His own opinion was that their powers ought to be enlarged, or some means should be afforded for the remedy of such evils. If not, the public should be fairly and fully informed that it was not by the fault of the colleges such abuses as those complained of existed, but because there was no power to remedy or remove them. Even though a Royal Commission conferred no power to compel the attendance of witnesses to give evidence, it would at all events throw a degree of light upon the working of the universities and their future prospects might be improved considerably by it. He believed there would be no difficulty found in obtaining the evidence of persons competent to give it. He was sure of that, at least with respect to Cambridge; but he was also satisfied that competent witnesses would come forward from both universities fairly and voluntarily to give every information in their power. He did not believe it would be a one-sided inquiry—on the contrary, it would be open to all parties—heads of colleges—professors—tutors—and all who were best qualified to give information. If the universities were so faultless as it was said they were, and that the charges against them were unfounded, surely those immediately and directly interested in them would be the first to come forward to be examined. He believed the changes which ought to be effected in the universities were constitutional changes, and not those which might be made by themselves or by the powers now vested in them. If the proposed inquiry was issued, it would be found that the universities were trammelled at every step, and that they possessed no power whatever to remove or remedy the evils which existed. It was said that they had power to reform themselves, and that they would do so gradually. He believed they had no such power, and that they could never reform themselves. Public opinion had not the same effect upon the universities as it exercised over many other institutions. It was said public opinion would gradually produce its effects on them, and that it was as influential in the universities as anywhere else. He did not think so. He was aware of the slow effects of public opinion. With respect to the changes that it might be found expedient to introduce, he was far from thinking that they ought

to be confined to this or that branch of learning, or to a particular course of lectures. The evils which demanded a remedy lay, he feared, much deeper; for the constitutions of the universities appeared to him to require considerable change, and he held that Parliament ought to do for them that which they were unable to do for themselves. Many hon. Members were probably not aware of the difficulty with which changes were made, or almost any proposition introduced in either of the universities. In every instance, the motion, or grace as it was called, must be submitted to what might be termed a select committee; and they not only collectively, but individually, possessed the power of pronouncing upon it a veto, one dissentient voice being sufficient to prevent the grace being submitted to the senate; and this senate was a body highly democratic, with all the evils, but none of the advantages, of democracy; and yet, in that assembly motions were decided without discussion and without amendment, for they must be accepted *in toto*, or wholly rejected. Now, he would appeal to any one acquainted with the practice of popular assemblies, to say if such constitution could be considered tolerable. He was ready to admit great and beneficial changes had been carried into effect in the universities; but the consideration of the effects of the relation between the various colleges and the universities might be well brought before a commission. That relation was of recent growth, and was not connected with the original constitution of the universities; and he thought it would be important for the Commission to consider whether it might not be left open to persons desirous of a university education to follow their studies without the restraints of any college, which could be done with less harm to discipline than was generally imagined. The present connexion between the colleges and the university presented difficulties to the advance of education which would be felt more and more in proportion as the sphere of learning was enlarged; and even now, while the tutors of colleges were fully engaged, it was found that the most eminent university professors were lecturing to yearly decreasing audiences. He hoped the instructions issued to the Commission would enlarge, rather than narrow, the field of inquiry; and on no point did there appear to be a greater unanimity of opinion than on the necessity of having a joined, and not a separate,

Commission. Believing that the issuing of the Commission was perfectly in the power of the Crown—that it was not only expedient, but highly desirable, for the sake of the universities themselves—that it would free them from much unfounded calumny and misrepresentation—and that it would, in all probability, tend to good, he would vote for the Motion of the hon. Member for North Lancashire, if it was then before the House, and would certainly vote against the Amendment of the hon. and learned Member for Newark, which he conceived to be founded entirely on a misconception of the proposition of the noble Lord at the head of the Government.

MR. GLADSTONE: Sir, upon one point I am glad I can entirely concur with the hon. and learned Gentleman who has just sat down—I mean in the description he has given of the motives which he believes have actuated Her Majesty's Government with respect to this Motion. I at once freely admit that I believe those motives to be entirely consistent with the professions of the noble Lord at the head of the Government, and with friendly feelings towards the universities; and I am the more anxious to make this admission in terms the most unreserved, as upon the subject of the proposition itself it will be my absolute duty to express a very strong opinion. Sir, I earnestly hope—I do not yet see reason for abandoning the hope—that the noble Lord will be induced to reconsider an intention hastily conceived, and conceived, as I think, in an evil hour. For the noble Lord has heard to-night, in the able speech of my hon. and learned Friend the Member for Newark, of difficulties attaching to this subject of which I believe he had little dreamt at the time he made his unexpected announcement; and, unless I am much mistaken, before this subject ceases to be discussed in this House, the noble Lord will hear much more with regard to the constitutional—and I might almost, if not strictly, say—the legal character of the Commission he proposes to appoint. Sir, there is one reason only which, I confess, makes me regret the necessity which I feel to oppose the whole objects of this Commission, and that is, that I am quite certain that any investigation and public examination such as that which the noble Lord would institute, would redound—I do not presume to speak of Cambridge, although I believe the remark would apply with equal force to that university—would re-

dound to the credit and honour of the body to whom it was applied. Go where you will throughout the country, and nowhere will you find a body of men more competent, more devoted to the functions of their office, or more indefatigable in the application bestowed upon them, more adorned with those virtues which belong—I am sure it is not too much to say—to Christian scholars and gentlemen. Sir, I cannot but regret that I should be compelled to oppose an inquiry which, conducted as I know it would be by honourable men, would be certain to elicit testimony so emphatic in favour of the University of Oxford, which, by the few in number only, has been viewed with jealousy and distrust. But, Sir, without stopping to consider the feelings of individuals, or the evil or the benefit which would redound to them by such an inquiry, let me advert to the great constitutional and public principles involved in this question. Sir, any Commission of this kind which you can appoint, must, under any circumstances or justification, be attended with most formidable evils. I do not deny there might be circumstances justifying the appointment of some kind of commission; but what I wish the House to recognise is, that in any case the appointment of such a Commission must be a great evil in itself—even although it may be necessary to avert still greater evils. Not merely because such investigations may fix on partial and superficial blots, and very likely may lead to the suppression of the advantages which the institutions confer—not merely because they may breed disunion between the seniors and the juniors, when it is essential that an unbroken confidence and respect should be preserved between the younger and the elder bodies, but because they are calculated to introduce foreign and discordant elements in the place of that peace and repose which are so essential to the prosecution of the object in view. But, Sir, let us consider how such a Commission as the one proposed accords with that principle which is so dear to the hearts of Englishmen, and which has had so much to do with the national growth and prosperity of the country—I mean the principle of local freedom of independence in local institutions. No doubt that principle is attended with contingent evils, and may seem to slacken rather than promote the progress of reform; but it is one to which the people owe much of their capacity for self-government, and one which characterises

this country beyond all others. And if I am asked what other country is renowned for local independence, I say it is that country which springs from our own loins, namely, the United States, where, although democracy prevails, yet there is still the most liberal disposition on the part of Government to facilitate the action of local and independent bodies. The institution of the Commission you propose must tend to impair that local independence. These, however, are general considerations which, in my mind, ought to make us pause before lending too favourable an ear to a proposition of this kind. To proceed to closer quarters, I want to know whether a Commission of this kind may be instituted for the sake of some speculative improvement, or whether cause should be shown for its appointment? I contend, with regard to the universities at this moment, no case at all has been made out for inquiry. I do not deny that you may have such a case; nay, I will make the admission. The universities have of late introduced changes of a very great extent into their course of study; and on the very day this blow was struck at them, on the 23rd of April last, the University of Oxford gave its final sanction to its new statute of examinations. It is true that that statute is a great change in itself, that it will introduce great changes, not only in the university, but in the colleges. But then that change will be the change of time. You must allow some time to elapse before the examinations of the university under the new statute can be discerned at all—and you must allow the colleges a reasonable time to adopt the change. There must be a large addition to the staff of tutors, and an extension and multiplication of the branches of study; but the discussion of all these matters involves a great deal of detail, and time is required for maturing any useful measures. But is not this House bound to give the university that time? Should we not wait to see what the colleges are willing to do for the university? But what is the nature of the jurisdiction you are about to exercise? Is it an ordinary jurisdiction? It is a remedial and corrective jurisdiction. How do you propose to remedy and correct? When you come to the remedy, you find a state of things which you cannot call neglect, as the time has not elapsed which would constitute neglect. The duties are emergent with the time, and that time has not arrived. As matters now stand there is not the shadow or the pretext of a case for in-

quiry. But what are the allegations made? One is, that in Oxford University, under the present restrictive system, there is not a reasonable certainty of always procuring competent men to undertake the actual work of tuition. That allegation has been made, although I do not know whether it has been repeated by the noble Lord. Mind—the allegation is, that it is frequently impossible to find competent persons to undertake the office of tutor. Now, Sir, in the different colleges or halls of Oxford, there are in the whole 78 tutors, and these 78 tutors have among them taken 85 first and second class honours. The House will be able to judge of the meaning of that statement when I say that the average of first-class honours taken in the year by the whole body of persons intending to graduate, is 12. But these 78 tutors have taken 85 first and second class honours, and 29 other high university honours. Among the whole number there are only six who have not taken high university honours. Can this allegation be sustained, therefore, when it can be shown that the best and ablest men, as a general rule, are found willing to undertake the duties of tutors? The other allegation that the statutes of the colleges will prevent the introduction of the new statutes, is equally chimerical. But, it is alleged, again, that the statutes are unalterable. I doubt whether unalterable statutes exist in any colleges, and whether it is not in the power of the visitor and incumbents to propose an alteration in them. But, at all events, before you plead in the unalterability of statutes as a justification for interference, you should ascertain the fact. These unalterable statutes do not extend beyond six colleges; but the lesson which I derive from the jealousy of the founders, consequent upon the framing of the statute, is the opposite of that received by the noble Lord. I think that jealousy went to show that when ill-considered schemes were abroad, people were rendered more jealous of the introduction of well-considered schemes. Into the question of the restraints in the election of fellowships, I will not enter at any length. It is plain, however, that neither the House of Commons nor the Crown can assume a jurisdiction to remove those restraints; but, in point of fact, those restraints are of a much more limited character than is supposed. The selection is usually made from the county, or in most cases from the diocese. But although I do not deny that there ought to be some

relaxation of these restrictions, yet I do deny the assumption that they are altogether evil. It is plain the principle of examination must have some limitation. I would not like to see a Prime Minister or any other Member of the Cabinet appointed by examination. I would as soon have them chosen out of a particular county or a particular diocese. And so in the case of fellowships—you may ascertain the competency of candidates by examination; but we all know that there may be as much trick in passing through an examination as anything else, and I protest against examination being taken as the sole and only test of the fitness of candidates for those foundations. Therefore these allegations are altogether trivial, and trivial especially at the present moment. The noble Lord's best argument is, that the state of the times render certain changes in the colleges necessary. But his doctrine does not apply to universities, as they are distinct from the colleges; he has said nothing to show that he intends to propose any changes in the constitution of the universities. On the contrary, he says that "the universities have shown themselves to be alive to the wants of the period; but the colleges may lag behind, and in this case I wish to interfere." I say you ought not to interfere, because the colleges "may lag behind it;" it is your duty to show that they have lagged behind; and decency requires that the fact of their delinquency should be established before you administer the corrective of State interference. You have no right to interfere in the manner which the noble Lord proposes. To interfere with the universities is a matter most serious at all times, as a reference to history shows. But when a case for interference arises, the case must be a grave one, resting on broad and intelligible grounds; and then the only proper way in which you can use these grounds is by applying to Parliament for powers of inquiry. Now, what are the reasons for that doctrine? I freely tell the noble Lord that I do oppose this Commission, mainly on the ground of the fears I entertain of the immediate consequences that may result to the universities. As a precedent that would be acted upon in a different spirit, and in worse times, I have a great dread of this Commission, even for the universities alone. But I mainly object to it from the unconstitutional character which appears to me to attach to the proceeding. For what is the

nature of the inquiry proposed? It is to be the simple act of the Executive; the noble Lord has shown no anxiety to be advised by the House of Commons. He announced his intention late in the evening of the 23rd of April, and as it was too late to discuss the subject that night, an hon. Gentleman proposed that another night should be taken for the purpose; but the noble Lord intimated his opinion that there was no occasion for further discussion. Therefore an interference like this has not occurred before since 1686; for the noble Lord proposes to settle it all at his own table in his own private room; and politely intimates that he does not desire the interference of either House of Parliament. I say, the universities are bodies of the highest rank and dignity in the kingdom; and, whatever you do with regard to them, you must do with the most scrupulous respect not only for their position, but even for their prejudices, and, above all, with a scrupulous respect for the fond and fervent affection of the community for them. Now, if I were the Minister, I should have felt that issuing such a commission exposes the authority of the Crown to great disparagement. What are the terms in which the Commission is to be derived? Is it to be a commission granting powers of any kind? Will, it like the municipal commission, enjoin upon all to give assistance and produce documents before the Commissioners? It is clear that if you are to have an inquiry into the universities, and if you wish to attain your professed object, you will require powers which do not properly belong to the Crown, because you must observe decorum, and the order and forms of public proceedings, under the commission; and these powers, not properly belonging to the Crown, will not be respected by the country, but will provoke jealousy and distrust. I don't say that if there was a case of absolute necessity you ought not to face even these difficulties; but, in the present case, I do consider you ought not to send commissioners down to Oxford to call upon persons for information, which not only they might refuse, but refuse in forms of speech approaching even to rudeness and contempt. The noble Lord does not contemplate coercion, because that cannot be used, but he proposes to obtain a perfect knowledge of the practice of the colleges. Now, that implies a knowledge of all the internal transactions of the colleges. But, unfortunately, there are oaths taken by the

members of these foundations, binding them not to reveal their internal transactions; and I am afraid that many of them will feel themselves bound by these oaths as against the Commission of the noble Lord. I do not think they would feel themselves bound as against an Act of Parliament; because, from any obligation of this kind that a man might contract with regard to an eleemosynary institution, he could, from its very nature, be absolved by the Legislature. But the Crown has no power to absolve; and how will the noble Lord, then, absolve the fellows of these colleges? Will he do as was done in the time of James II., because that period is the noble Lord's own precedent—will he assume a dispensing power, and say, "You need not regard statutes: we tell you so in our authority, and therefore do not mind about them?" And this is not a mere chimera; for you have it historically, that, in 1647, the members of the University of Cambridge refused, on the ground of their oaths, to furnish the information necessary to the Commissioners. And Fuller gives the words of the oath, *Non revelabis aliquod secretum collegii*. And in the language of the oath for Oxford were the words, *in damnum eius*. So that every man will feel bound in his conscience not to disclose anything to the injury of the College. But it perhaps will be said, "Oh, we propose something for the benefit of these foundations, and not to injure them." Now, some of the members will perhaps agree that it is a benefit, and have no objection to give information, but others, again, will think differently; and the effect will be, that you will have the evidence of one class, who do not think the inquiry an evil; but the sense of the vast majority will be excluded. Now, such a proceeding must obviously be destructive of the peace and harmony vitally essential to all bodies of this description. For the State to go among them, and by prospective patronage and promotion, and consideration of political expediency, to divide the members of these societies, which are more like brothers and families than any other analogy you can supply—to divide them one against another under any circumstances, would be exceedingly deplorable, but under circumstances not of necessity, would be a course in the last degree both ungenerous and unjust. There are objections of a practical nature applying to the form of the proceeding taken by the noble Lord. But I want to know if broader and deeper

objections do not apply to this inquiry? I do not care whether this act is abstractly legal or not; but I confess that I cannot understand how it is to be reconciled with the spirit of our laws. I venture to say, that, if not illegal, it is unconstitutional in such a sense and in such a degree that you ought to eschew it with as much resolution as if it was absolutely and literally illegal. On the point of legality, I must remind the noble Lord that the able argument of the hon. and learned Gentleman the Member for Newark remains still unanswered. I have understood that there have been cases tried in our courts of law, and without that precision as to individual and private rights which now obtains, and which tend to show that such a commission of inquiry as this, even without compulsory powers, is in itself illegal. I will, however, go at once to the question, whether it is constitutional or unconstitutional. The hon. and learned Gentleman the Member for Bury St. Edmunds has argued that the objection as to its being unconstitutional is very vague and indefinite, and treated it as unworthy of much consideration. I will not treat this objection as one incapable of being tested by a fixed and defined standard. No doubt the term unconstitutional is often used with great latitude; but, after all the incidents of our history, and the gradual elaboration of our constitution for many centuries, defining so strictly the powers of the Crown in relation to the other powers of the State, it does appear to me, at this time of day, in the year 1850, that we ought to have some notion of what is meant by the term "unconstitutional." I should have thought at least that one thing was well defined in England, namely, the power of the Crown in relation to other bodies in the State. The hon. and learned Gentleman says that no enactment of law can provide for every possible case; and it would appear from him that every case that is not provided for by the law is to be dealt with by the prerogative of the Crown. Against this doctrine I protest, and remember it is by this doctrine that the hon. and learned Gentleman seeks to defend this Commission from the objection that it is unconstitutional. I am no authority; but I thought the Crown had clear and definite powers in this matter; and that when the Crown has the power of interfering where persons may be damnified, it is not for them to show that the Crown has no power, but for the Crown to show a precedent in his-

tory, and in law, for the exercise of such a power. Now, I say that you have not shown from either history or law that the Crown has a power to exercise this Commission. You indeed talk of precedents—you quote the case in 1549, and again in the reign of Mary, and again almost through the reign of Elizabeth, when you had Royal Commissioners with very large powers. But no man in this House, I think, will allege that any one of these precedents is a valid ground for the present proceeding. For, although there were commissioners under Royal authority, yet they were commissioners who rested upon the authority of an Act of Parliament, and that Act of Parliament was again swept away by the 16th of Charles I. Then there is the noble Lord's precedent in the reign of James II.; but that was followed by the Bill of Rights, expressly stamping this precedent as illegal. Whether these precedents were right or wrong in themselves I will not stay to inquire; but assuming that they were perfectly justifiable in themselves, I hold that not one of them comes any way near to a justification of the proceedings now contemplated. The noble Lord at the head of the Government quoted the case of the inquiry into the Scotch universities, and says it was conducted by a Royal Commission. That is very true; but what has that, I ask, to do with the matter? That was an inquiry in the exercise of the visitatorial power. Whether it was open to be impeached on the score of illegality, I will not attempt to decide. But I assume that it was perfectly legal. Well, what was the composition of that commission? The heads of the several universities consented to be appointed, showing that the universities themselves were consenting parties; and a portion of the Judges, and the great bulk of the legal authorities of Scotland, sanctioned it. That, therefore, will not bear a moment's comparison with the Commission of the noble Lord—it was not a fishing commission—it was not a roving commission, depending upon eleemosynary evidence; but it had the largest and fullest powers to summon persons, to administer oaths, and require the production of documents. Nay, more, it was not a commission of inquiry merely; but it was a legislative commission. It was recited in the warrant itself, that it was the undoubted right and prerogative of Her Majesty to name the commissioners who were to inquire into disputes, irregularities, and

defects, and “remedy the same;” and the commission not only made an inquiry and reported, but it devised codes and statutes for the Scotch universities. That, therefore, was very different, in every sense, from the noble Lord's Commission. Then, again, there was the Commission on Charities; but that also was as unlike the present Commission as it was possible to be. In the first place, it was grounded, as I say all such inquiries ought to be, upon an Act of Parliament; and I ask you, do you now come to ask for an Act of Parliament? If you think there is a case requiring interference, come and ask for an Act of Parliament, and then we shall have an opportunity of considering what you wish to inquire into, who the parties are who are to inquire; and then we can perform our duty as guardians of the authority of the Crown, not to expose the authority of the State to contempt; and we can also provide that which is vital to the success of all such inquiries—namely, that they shall be effectual for their purpose. But, surely, to cite the case of the Charities Commission, created, as it was, under Act of Parliament, as a precedent for this Commission, was idle and even ludicrous, because the very Act of Parliament creating it specifically excludes all cases like the universities—it excludes the universities themselves, the college foundations, Roman Catholic and others, and all public schools; and, lastly, excludes every charity that has visitors appointed by it. Therefore, I conclude that you will not rest much upon that precedent, because it is as much as possible your own proceeding read backwards. Then comes the Ecclesiastical Commission of 1835. Now, it was universally admitted, with respect to this commission, that great changes were to be effected by the authority of the State; and, therefore, that inquiry, so far from inquisitiveness and idle curiosity, was a marked tribute of homage and respect to the Church. But was it an inquiry forced upon the State and the Church? On the contrary, among the bishops and rulers of the Church at the time of its appointment, there was but one opinion as to the propriety of the commission. Now, if the noble Lord will show that the universities are consenting parties, I will admit that the Ecclesiastical Commission is a precedent that he may fairly quote. Then, the Irish Educational Charities Commission was also quoted. But these charities were supported either wholly

or in part from public money. I will not ask whether the infinitesimal grant to the professors of the universities is the ground of analogy between that commission and the present one; but I would advise the noble Lord to take up that argument and make the most of it. But even then the universities are not the real objects of the proposed inquiry: it is the colleges. Then again there was the precedent of the Commission on Municipal Corporations. Now I should have considered it bad policy to support an inquiry of doubtful legality by another that was equally doubtful; but, even waving that point, the inquiry into the municipal corporations was a very different case, because there was at the institution of that inquiry a universal belief—undoubtedly founded in history to a certain extent—that those corporations were originally representative bodies, but that in the lapse of time they had ceased to be so; so that here was a great departure from their original trust, and from the purposes of their institution, and you could plead abuse as a ground for inquiry, because popular bodies had changed their essence by becoming self-elective. That, therefore, was a case essentially different from these universities and colleges; because we all admit that they, on the whole, are trying to do their best to perform their duty and fulfil the purposes for which they were originally established. Therefore, not one of the precedents we have had adduced to us is worth a single straw. Well, we are going to have the exercise of the prerogative; and in a question of this nature, the production of precedents, I maintain, is a matter of vital principle; and you are absolutely bound, when you do not profess to rest on any definite principle of common law or on any definite enactment of statute law, to show that the power you are going to exercise has been admitted in practice for a course of years. Now, I put it that you have totally failed in any case to show the exercise of a power in the slightest degree analogous to the one now proposed to be exercised. Now, we are told that because the Commissioners are not to have coercive powers, that therefore this Commission will be legal and constitutional. That appears to be the doctrine; but certainly it was not so stated by the right hon. Gentleman the Secretary of State for the Home Department, who very fairly laid down as the legal foundation of his argument that the Crown has a visitatorial power over the universities. But un-

fortunately there are two fatal objections to the right hon. Gentleman's argument; because, first, the real object of inquiry is not the universities, but the bodies of colleges; and, secondly, this is not an inquiry by means of the visitatorial power. Now, are the evils of the universities such as cannot be remedied by the legal means you have already at your command? Have you ascertained the legal powers of the Crown in a visitatorial capacity? and have you exhausted them? Sir, there is a regular and constitutional mode of setting about your purpose, and there is another mode which is neither regular nor constitutional. The regular course is to ascertain the powers you have, use them, and show their defects if they are defective, and then call upon Parliament to amend them. The irregular course is, when you find all the precedents against you, to fall back upon arbitrary and undefined prerogative, and, regardless of the interests you are sacrificing, or the rights you are invading, to resort to an intermeddling and inquisitorial power, which is neither supported by history or law; and then to call upon the House of Commons, because it happens to coincide with the political views of you and your followers, if not to sanction, at least to tolerate, your proceedings. For two long centuries, the 16th and the 17th, this country was engaged in a conflict as to its constitutional liberties. At the beginning of these centuries the Crown could do almost anything; at the end of them it was not known exactly what it could do, and what it could not do. Has the Crown, I ask, power to inquire into anything? If not, why has it the power to inquire into these colleges, and nothing else? The hon. Member for Maidstone has been active in helping to establish an eleemosynary institution, of a nature strictly analogous to these colleges at Canterbury. It has been incorporated by Royal charter. Now, I want to know if the noble Lord's doctrine will extend to this institution: I want to know whether a commission might not next year be planted at the doors of St. Augustine's College, at Canterbury, to ask every person who comes out or goes in at them, what he would like to tell—for there is to be no coercive power—what he will choose to tell about the transactions of that college? You may say that there is a distinction between the two cases, and that St. Augustine's College, at Canterbury, has no connexion with a university enjoying exclusive privileges conferred by the

State. Then I will tell you that there are other universities besides those of Oxford and Cambridge—there is, for instance, the London University. The colleges at Oxford and Cambridge are not public corporations, yet they have exclusive relations with the universities under Act of Parliament. The right hon. Gentleman the Home Secretary then argued, that if that were so, then the same relations obtained in the case of the University of London. The University of London could grant degrees. The University of Oxford had a provision that no person should be a member of the university unless he were a member also of a college of the university. The University of London had a statute precisely corresponding. Therefore, the power of inquiry now claimed would extend to an inquiry into the colleges of the University of London. He thought that point important, for here they were dealing not only with the members of the Established Church, but were dealing with other colleges—with Highbury, with, he believed, Richmond, and with what the right hon. Gentleman would call the Christian unattached, with the Roman Catholics of Ulster, and with a great variety of other colleges founded by the private munificence of gentlemen of other denominations; and he asked, did this undefined prerogative of inquiry include within its scope the right of inquiry and public investigation into those private institutions? If the power did not extend to Gower-street, what principle did they show for its exclusion; but if it did so extend, then how much further was it to go? For the House of Commons ought not in these days to do that which in darker ages the House of Commons would have indignantly refused to do, namely, to allow this undefined prerogative to prevail. He wanted an emphatic expression, and did not think he used too strong a phrase if he said that it was absurd to say that this inquiry was friendly to the universities—an inquiry which might involve consequences not only most injurious to the character and privileges, but to the property of the subject. Let this power be considered as it might affect private affairs. If the Commission were to be purely voluntary, and if the Government did not intend to use the language of the municipal corporations commission of inquiry, and to give the commissioners in this case power to compel the production of documents and records, and the evidence of the officers of the corporation, and all other living sub-

jects of the realm capable of giving information, but founded their principle on this allegation—that the Commission was not a legislative commission, but merely a receiver of evidence, he did not know that that principle might not be extended to the private concerns of private individuals, if this Commission was qualified to institute an inquiry into the forms and constitutions of Oxford and Cambridge, and how they stood in their relation to these colleges. Did the Commission receive its authority from the Crown, or was it only such a commission as he or anybody else might institute into the private affairs of the noble Lord opposite, or of any private institution or individual? If the Commission derived no authority from the Crown—did not purport to proceed from the Crown—let the Government inform the House upon what authority it really did repose. He had expressed in strong language the objections he felt to this proceeding of the Government, because he felt them strongly, and he earnestly wished that the House of Commons—or that part of the House of Commons which he had then before him—would separate the question of the desire for the immediate object which the noble Lord proposed to attain, and the consideration of the propriety and safety of the means by which the noble Lord proposed to go in search of it. Because he felt full confidence that if the House examined the danger that would attend all admission of this indeterminate and undefined power on the part of the Crown—however useful it might be in intent and purpose—and then compared it with the purpose that was in view, they would act the wiser part in joining with him in endeavouring to persuade the noble Lord to waive for a time the examination he proposed to see if the colleges had done their duty, as the noble Lord himself had frankly admitted the universities had done theirs. Then if the noble Lord would come down to the House and ask for full power to constitute a commission of inquiry, which he might without exposing the authority of the State to disparagement, means could be furnished the noble Lord of obtaining all the information that was necessary for the purposes of legislation. But he feared much, if the Government violated the constitutional principle, the result would be less satisfactory. He asserted that the habit of self-government was essential to the real health and prosperity of these institutions. He would even go so far as to say that the

worst system of education, as regarded the management of property, was so essentially bound up with that habit of self-government and that freedom which had prevailed during so many centuries, that it ought to be exempt from interference rather than be subjected to inquiry as to what would be the best system of accounts, rather than the most rigid exaction of rack rents, and rather than the most perfect system of revenue. He would not say that the State should not interpose to increase the amount of scientific acquirements to be afforded in these institutions; but, after all, the pursuit of science was but a small part of the business of education. While he attempted to plead the cause of the English universities, he would not unnecessarily dwell upon the ground of what they had done for learning. That they had done less than might have been done was possible; but they had done what the circumstances of the times and the exigencies of the nation had permitted. And whether the House regarded our lawyers, our divines, and our statesmen, the vast mass of whom had been reared in these universities, then he declared that they need not be ashamed neither of these, nor ashamed of the cradles from which they had sprang, endowed with qualities and acquirements which might be compared with those of others of the same degrees all over the world. In the time of Elizabeth—in the century of the great controversy which occupied the minds of both young and old with topics incompatible with the tranquillity of education and learning—there were interferences by the State; and he defied any one to produce a single epoch when learning, properly so called, was at a lower ebb at the universities. The number of learned men in them was reduced; science was scanty. No intentions of the Sovereigns during that century, towards the universities and colleges, but were good. There were plenty of good intentions towards the universities in those days, as the noble Lord had towards them at the present time. What, for example, did Queen Mary do? She bestowed upon them a great many estates that had been ecclesiastical property, gave them a great many benefices and abundance of good teachers; and, according to the account of Professor Hooper, she invited a number of learned foreigners to come over and assist in our universities; and the Star Chamber was in vogue to defend the rights of the University of Oxford from the city of Oxford. But notwithstanding all these ad-

vantages arising from the interposition of Mary, the university, as Professor Hooper remarked, continued in a lamentable condition. But the cause of failure was easy to discover. The universities had everything except the most necessary element of all—freedom and self-government. [The right hon. Gentleman here read an extract from the work of Professor Hooper, in support of his argument.] They might require, indeed, that every professorship should be filled by a man of high attainments, and profit by that end might be attained. But whatever they might acquire or gain, they never could secure the same moral and social benefits under any system of coercion which resulted from the system of freedom essential to the universities. As regarded the eleemosynary foundation there could not be a doubt that an individual who was seriously deliberating within himself whether he should or should not devote a portion of his substance for the permanent prosecution of learning, civilisation, and religion, would be most unfavourably influenced in his decision by the prospect that any Minister of the Crown, who he knew must be the creature of the political majority, at any given moment might institute a commission of inquiry into the mode in which his intentions had been carried out. Every one must feel that this reflection would operate as a practical discouragement to his original purpose. And did the House think it wise to offer that discouragement? There had been a time when it was justifiable to pass a law of mortmain, when danger was threatened that the labour, the proceeds of industry, and much of the landed property of the country might be absorbed. But that was not so now. This was now a nation developing itself with unexampled energy in mercantile and material wealth, and he did not think it wise or politic to oppose an interested policy to the generous and liberal course of those who were disposed to rescue some portion of the wealth accumulated in the country to the cultivation of those things which were calculated to elevate, refine, and improve, the human mind. Take these men at their best—take them on the average—take them for their real worth—take them even at their worst, and say, had they been—were they now—other than beneficial to the country? Had they not been relied upon in a great degree as bulwarks for defending our institutions from the shocks of ruder elements, and for maintaining the higher and

nobler life of the nation? It was not only religion or civilization which constituted education, but education depended in a higher degree upon that moral training of the mind which had been attained from the institutions founded by these benefactions, and by which we had withstood the hand of the destroyer. For them, therefore, we ought surely to continue that noble policy which pledged us to protect those great institutions; and if we regarded them as connected with civilisation, it should yet be remembered that civilisation belonged not exclusively to the higher classes, but should find its way to the labouring population. And it was a truth that many of these foundations had emanated in no small degree from the property of those classes, and that many they had sent forth had belonged to those classes. Many clergymen, for instance, who had received their education at these establishments had come from the humbler classes; for children had been educated there of different rank to those of Gentlemen who sat in that House, and who had come to the universities from schools where they had obtained very little education and small store of Greek and Latin, and they got into fellowships in competition with gentlemen of rank and refined manners, and careful instruction and study, and every advantage which the university afforded. What was wanted was to see the universities embracing a large number of persons from the poorer classes; and if they wished that object to be attained, they must not interfere in this way with the universities. The noble Lord had large means in his hands of doing good in communication with the universities; but the course he now followed held out but little hope of that, because the course now proposed would be resisted by the members and friends of the universities; and whatever might be said of those universities, it could not be denied that they formed a great, powerful, and conspicuous figure in the history of this country. The hon. Member for Buckinghamshire in one of his works had admirably described the "little world of Eton." In every public school was a little world; not merely the machinery for instruction in Greek and Latin, but a school of morals and manners. The universities were the same on a larger scale, and there was not a point in her history which had rendered England greater in the world than they. For hundreds of years these universities had been asso-

ciated with the highest things that concerned this country, and he did not think that they had now fallen behind the age, because, with the increasing competition they had to sustain, and which he rejoiced existed, they must now do their best to answer the demands that were made upon them. The House of Commons ought to be the last to interfere with those institutions. The universities had, he felt confident, done their duty as the schools of our statesmen. There had been great and brilliant examples. He could not look at the Treasury bench, and upon the distinguished men who sat upon it, without feeling that the universities at least had no reason to blush in the face of the House of Commons. And when he turned to that (the Opposition) side of the House, he recollected that one of the most distinguished of the sons of Oxford had lately sat there—not only recognised by universal consent in his own country but all over Europe, as amongst the most distinguished and pre-eminent of the statesmen that had ever sat in that House, and that Oxford had given that distinguished man to the service of his country. Deeply as he (Mr. Gladstone) participated in the universal regret for the loss of that great man, he regretted it even more, because he was persuaded that had he been there now he would have thrown its protecting shield over the universities, of one of which he had at one time been the representative, and which, even when political reasons had dissolved that connection, he had continued to love, to the very last, with maiden ardour. He (Mr. Gladstone) fully acquitted the noble Lord at the head of the Government of any intention to inflict injury upon the universities. He feared, however, that the act of the noble Lord must result in injury, involving as it did a great constitutional violation of great importance; and he was convinced that at an earlier period of the Session, when the House of Commons would have been more disposed to entertain this question, and the larger portion of the Members would have been present to give their opinions, there would have been greater advantages, and perhaps the sense of the House would have been taken in a way adverse to the suggestion of the noble Lord. He hoped that the noble Lord would reconsider the intention he had avowed, and would not allow the Commission to issue until a more thorough examination into the constitutional and legal question, and whether or not these principles

of freedom and self-government were not essential to the prosperity and welfare of these universities, had taken place.

LORD J. RUSSELL: Sir, I feel very considerable difficulty in arguing the question that a Commission ought to issue on the part of the Crown to inquire into these universities; for if we say but little, as we did on a former occasion, of any of the defects of these universities, and only observe that we think there are improvements that might be made, that those improvements might be facilitated by such an inquiry as that we propose, and that legislative aid may be applied to the purpose in view, we are met by the statement of the right hon. Gentleman who has just sat down that we are merely arguing the case for the Commission. But if I should point out to the House more in detail than I have hitherto done, defects that exist, and improvements that may be made, then we shall be met by what was urged in the latter part of the right hon. Gentleman's speech, in which he denounced the Ministers of the Crown as being desirous to subvert these institutions, and as wishing, almost, to deprive these universities of their existence. The right hon. Gentleman went to an excess of protestation against what he presumed to be our intentions, which I think was hardly required by anything that has been said on this subject by any Minister of the Crown who has addressed the House upon it. We may admit that these universities have been very useful bodies, that large endowments have not been improperly employed, that the education given has produced able statesmen, and so forth; and when we have made all these admissions we are no nearer the right hon. Gentleman's conclusion that there ought not to be any inquiry with regard to these bodies. The right hon. Gentleman, going beyond the temperate speech of the hon. and learned Gentleman the Member for Plymouth, who introduced this discussion, would have us think that there ought not to be, on the part of the Crown, any inquiry hereafter, except as regards cases of gross abuse and mismanagement, which would render such inquiry absolutely necessary. Now to admit that, would be to admit that, from 1815 to the present time, we have been going altogether in a wrong course—that former Ministers of the Crown have abused its prerogative—and that we have interfered with the rights and liberties of the subject. The right hon. Gentleman, in the earlier portion of his speech,

told us that some of the colleges at Oxford had foundations at a time that produced the Reformation, and that the founders of those colleges inserted in their statutes more strict and severe rules against State interference; and he attempted to draw from that the moral that we ought to guard against ill-considered schemes of reform. I am not prepared to admit that the reformations of Henry VIII. and of Elizabeth were merely the ill-considered schemes of reform of the innovators of that day; but I do see in those statutes another lesson, that those who made those severe statutes made, at the same time, a great mistake in the severity and strictness with which they fenced the foundations they were then making; because, by that attempt to prevent all change, they only made it more violent, more entire, and more subversive than it would otherwise have been. In these foundations, which ought not, according to the right hon. Gentleman, to be interfered with, were many that were founded by Catholic noblemen and divines, who made provisions for securing the due performance of the Roman Catholic worship; and, if you are not to alter these institutions of those days, it is the Catholics, and not we, that ought not to be interfered with. But now with respect to precedents, the right hon. Gentleman cannot deny, I think, that there have been inquiries of the kind now proposed into Irish places of education, into the universities of Scotland, into the Irish Church under the Duke of Wellington's Administration, into ecclesiastical revenues in 1832, into the municipal corporations in 1834 and 1835, and into the state of several bishoprics in England and Wales, and also respecting Roman Catholic chapels. Surely the right hon. Gentleman cannot pretend that none of those precedents are applicable to the case we are now considering. If so, he can only say that our proposed Commission is not a Commission merely of inquiry as to what measures may be required; but one, if I may so term it, of remedy, and for carrying into effect the measures it might propose as requisite. Now, I admit that such an inquiry would be illegal; but it is by confusing the two kinds of inquiry, and then applying to our inquiry the terms applicable to that of King James II., in 1686—two inquiries not at all resembling each other—that the right hon. Gentleman has been able to make anything at all like a case against the course now proposed. With reference to the corporations

inquiry, the right hon. Gentleman says that that does not apply to the present case, for that it was supposed that those corporations were intended to be representative bodies, and it was consequently right and proper to inquire whether their constitution could not be improved. I should say, with regard to these universities—and the right hon. Gentleman seems to have omitted this—that they are not private foundations and private establishments; but that the well-being of this country depends much on the manner in which they are conducted; and that, as regards the Church, the law, and the production of statesmen, they have certain privileges that make it a matter of quite as much interest to the nation that they should be well conducted, as it was that our municipal corporations should be conducted as they ought to be. But then, says the right hon. Gentleman, there was an inquiry with respect to the bishoprics, and also as to the deans and chapters, and the Church was a consenting party to it. No doubt a portion of the Church were consenting parties to that inquiry; but if the right hon. Gentleman had inquired of some of the cathedral chapters, and asked them if they wished that an inquiry should take place as to whether their revenues should be applied to the use of the Church in a manner which they had not hitherto considered advisable, I think he would have found there would have been as much dissent on their part from any proposal of the sort as there now is on the part of these universities. These two cases alone, then, furnish precedents sufficient for our purpose; and they came, moreover, in the train of a long series of precedents—of acts of the Crown—equally conformable to the spirit of these times, by which, endeavouring to preserve all that is good in the institutions themselves, we have attempted to ascertain what improvements they are capable of. With regard to the suggestion of the right hon. Gentleman, that the Crown must not institute any such inquiry as that now proposed until a gross case of abuse and mismanagement shall arise, I wholly differ from the right hon. Gentleman in that particular; and I say that when there are some improvements which it appears might be made, then is the proper time to inquire; and, by so doing, you will not have to make inquiry into gross abuses; and I am sure you will admit that it is much better to make those improvements that may obviate such abuses, than

to say you are prevented by the state of the law from interfering until such gross cases occur. The right hon. Gentleman has raised up against us the legal right of the different colleges, and the objection that may be made as to any interference with their statutes. With regard to a Commission of Inquiry, however, this objection is more applicable than it would have been to all the inquiries we have made. The right hon. Gentleman, too, in stating these matters, spoke much of the liberty of the subject; and the hon. and learned Gentleman the Member for Newark says, that this proposed Commission tends to a violation of law and of the constitution, as well as of the rights and liberties of the subject. I confess, however, that I am unable to see in what way any interference with the liberties of the subject or of the universities, or any interference with the law, is at all contemplated. It is very well to say that it has a tendency to a violation of the law; but I think the hon. and learned Gentleman knows the law too well to say that what we propose is actually a violation of the law. If you make a Commission to inquire, you do what is altogether legal. If, on the contrary, you appoint one which shall have the power to take away another's property, you do that which is illegal. Now, we propose to make such inquiries as were made with respect to the municipal corporations and the ecclesiastical bodies; and if it should, on inquiry, be thought necessary that any alterations should be made, it would afterwards be the time to inquire what was the authority by which those alterations should be effected. Now, the hon. and learned Gentleman stated, that in more than one instance he thought that improvements were desirable, and might be made, and that he wished that a greater portion of the people of this country should partake of the benefits of the education given at Oxford and Cambridge; but if that is to be the case, why is it that he should insist that we should now proceed to adopt measures with a view to that object, and not permit us, in the first place, to inquire what are the changes demanded in order to secure that object? He agrees with me as to the end to be attained, and even contemplates that the interference of the Crown may be necessary in certain cases; and yet he will not let us take the preliminary steps by which we may ascertain in what way the changes that may be found desirable may be ob-

tained. As the right hon. Gentleman the Member for the University of Oxford, and the hon. and learned Member for Newark, have themselves both said, no doubt these universities are most useful bodies; and it is true, as has been urged, that they are making great alterations of their own accord; but I am convinced that they might be made more useful still, and that the benefits they confer might be extended to a far greater portion of the people than they now reach. I have no wish to stand up as the accuser of these bodies; but as regards one point—the question of expense—I cannot say I think the right hon. Gentleman has answered the charge that there is a great deal of needless expense connected with an education at Oxford or Cambridge. Whenever I have spoken with persons who have charge of that education, I have never known one of them to deny this, and they have even referred to their want of power to enforce the regulations they themselves thought would be useful, and have complained that no college regulations they could make would be sufficient for the object they had at heart. They have never at all denied that there is an excess of expense on the part of our young men at the university that prevents the course of study, and is particularly injurious as regards those young men whose parents cannot afford to pay the debts their sons contract. If, then, the universities find they cannot of themselves correct the evil, is it not right to inquire whether we cannot strengthen their hands in such matters? And I must still say, as regards the kind of education given, that I have not yet seen the way how such changes as may be considered advisable with reference to the studies pursued, may be made to amalgamate with the other institutions of these universities, and how the lectures of the professors, for instance, are to be attended with due regard to the collegiate course of study required. The right hon. Gentleman recommended them to wait and see the result of the changes now going on; but, so far as I am myself concerned, I cannot doubt that many men connected with the universities would be able to point out, before a Commission of Inquiry, in what way such improvements as they would adopt could be carried out so as to reconcile those improvements with the course previously in operation. Sir, my wish is that these institutions may continue to prosper, and that, whatever they may introduce of studies hitherto but little follow-

ed, these may be made to combine with all those studies the constant pursuit of which has educated those men who, in times past as well as at the present day, have been the greatest ornaments of this House and of society. But I think, if you say we will have no inquiry into these matters, you will do much to keep back the universities in the course of improvement which they themselves may be willing to adopt. I think all the institutions of the country have of late years been undergoing a change. If you look back to the history of the Church twenty years ago, you will perceive the changes which she underwent; but I trust she remains as strong and stronger than she was before, by adopting those reforms which have contributed to make her more extensively useful to the people. And so it will be with all the institutions of the country. I trust we shall not resemble those foolish innovators who destroyed the institutions which they could not improve; but that, having transferred to us those great universities which the learning and piety of our ancestors established, we, in our turn, will resolve to make them conducive, as far as may be, to the promotion of religion, morality, and sound learning, and, by strengthening them by every means in our power, render them the more worthy of the country and their own high destination.

MR. LAW would remind the House that the noble Lord at the head of the Government was one among many others who had occupied a high station in the country and a high position in that House without the advantage of a university education. That being the case, the noble Lord ought to approach the subject with great delicacy and forbearance. He contended that the precedents to which the noble Lord had referred, did not apply to the present case. He could tell the noble Lord that if the Commission was not actually illegal and indictable by the parties instituting the inquiry, it was at least unconstitutional. Every communication that would be made to that Commission would be entirely unprivileged, and all the parties making it would be liable to process of law, seeing that it was not made under any authority of law or under any coercion. Every man who stepped forward to volunteer evidence, was personally responsible for everything he uttered. There was not a man of eminence, or learning, or station, or authority, whose opinion had been asked at Cambridge, whatever shade of politics he belonged to.

who had not expressed his entire disapprobation of the proposed Commission of Inquiry. With regard to the illustrious Head of the University of Cambridge, the noble Lord had placed him in a very painful position. The eminent and illustrious individual who filled the office of Chancellor of the University of Cambridge was placed in the anomalous position of being at once the champion of the rights of the officers of the university, and of the party who was to persuade the heads of the university to consent to the issuing of the proposed Commission. When the noble Lord advised Her Majesty to issue it, he should have considered who was the Chancellor, and who it was who represented the interests of the university; and it was to be a sorry return for what the university had done, that it should now be obliged to appeal in vain to the Chancellor for protection against the issuing of this Commission. If the Commission was not indictable as regarded the parties instituting the inquiry, and if the noble Lord did not lay himself open to a criminal information, at least he was violating the constitution in proposing an inquiry which any Member of that House had as good a right to do as the Crown. He was satisfied that no possible benefit would accrue from the reluctant acquiescence of a few persons whom the noble Lord might induce to give evidence. It was against the interests of the universities to do so—it was against the duties of the officers, and would be seriously detrimental to the comforts, the quiet, and the peace of those institutions. These universities were exhibiting their desire to adapt these institutions to the requirements of the age; and it was a bad return to them to send down a roving commission to obtain from a few discontented persons communications which were in their nature wholly unprivileged. What he wished to impress upon the noble Lord was, that the information being wholly unprivileged, it was most unfair to call upon a few dissatisfied persons, and to induce them to take all the legal consequences upon themselves.

SIR R. H. INGLIS said, that his noble Friend the Prime Minister, great master of debate as he was, had not done justice to the speech of his (Sir R. Inglis') right hon. Friend and Colleague. The noble Lord had said that his (Sir R. Inglis') right hon. Friend had desired to avoid inquiry; on the contrary, his right hon. Friend distinctly stated that his objection was to the unconstitutional nature of the

particular inquiry proposed by the noble Lord; but, at the same time, with equal distinctness suggested that the inquiry should be by Act of Parliament. The noble Lord had characterised the speech of the hon. and learned Member for Plymouth as a very temperate speech. And so no doubt it was for the noble Lord, for it was a speech altogether in his favour. His hon. and learned Friend made many concessions in that speech which he (Sir R. Inglis) would be very sorry to make. His hon. and learned Friend talked of the monopoly of education which at this moment was possessed by the different colleges and halls, and suggested their being thrown open, and that the system which existed 600 or 700 years ago should be revived. Much as he (Sir R. Inglis) desired to keep in the ancient ways, he was not prepared to retrace his steps through so great a length of country as would bring him back to the spot which his hon. and learned Friend invited him to reoccupy. His hon. and learned Friend then complained that the heads of houses separated themselves altogether from an academical life. How could his hon. and learned Friend say this when he must know that the great business of the universities was conducted by some of those eminent men, and, above all, that the Hebdomadal Board consisted solely of the heads of houses? His hon. and learned Friend then laid it down that the visitors could of their own motion, and that therefore the Crown could of its own motion, and without any other authority, exercise the most inquisitorial powers into the affairs of any foundation whatever of which they were visitors. Now, many very learned Members of his hon. and learned Friend's own profession had assured him that there was no warrant whatever for any such statement; and he (Sir R. Inglis) apprehended that the case of Exeter College in the time of Bishop Trelawny afforded a distinct contradiction to that proposition. The Crown had no more right to send a roving commission to inquire into alleged misdeeds, unless the case were brought before it in the shape of an appeal, than the Chief Justice of the Queen's Bench had to send down a commission to inquire into the conduct of any set of individuals living in Devonshire or Buckinghamshire. His hon. and learned Friend had also most needlessly introduced the case of Trinity College, Dublin, and had gratuitously offered an

opinion that that college possessed more property than it ought to possess. Now, when that question was originally brought forward by the hon. Member for North Lancashire, he (Sir R. Inglis) concurred in the opposition offered to it; but he would not enter further into the subject, feeling too grateful for the patient attention afforded to him by the House on a former occasion.

MR. ROUNDELL PALMER wished to say a few words in explanation. He had in several respects been misunderstood. In the first place, he did not cast upon the heads of the colleges and halls of the universities of Oxford and Cambridge any reflection for their living separate from an academical life. If he did seem to do so, he was glad of the opportunity of removing any such erroneous impression. He felt too much respect for those hon. Gentlemen to say anything that could convey any reflection upon them. What he said was, that it was an inevitable consequence of the different domestic circumstances under which they lived, that they were not able to live on those terms of unrestrained intercourse with the rest of the academic officers of the universities, which under other circumstances they would themselves be most desirous of doing. His hon. Friend also found fault with him for saying that the visitors had the power of visiting *ex officio*, and referred to the case of Exeter College under Bishop Trelawny. He could inform his hon. Friend that in the most celebrated case in that department of the law which had ever been decided, being the case of the general visitation of that very Exeter College soon after the Revolution of 1688, the rector and certain of the fellows were deprived for contumacy, because they disputed the visitor's right to hold a general visitation. That case was referred to the House of Lords, and there it was solemnly decided that the visitor had acted in the due exercise of his jurisdiction. The only other point was about Trinity College, Dublin. He did not say, however, that the college ought not to remain in the enjoyment of its property, but that the revenues were so large that he apprehended the purposes of its foundation, and the interests of education in Ireland, might be best secured by enlarging the foundation, instead of allowing disproportionate dividends to accumulate in individual hands. It was not fair to represent what he had said as if he had advocated any scheme of spoliation.

MR. G. A. HAMILTON wished to correct an erroneous statement of his hon. and learned Friend with regard to the college of which he had the honour to be one of the representatives. It was stated that a practice prevailed, on the part of some fellows, of marrying, notwithstanding the statute of celibacy; and that, in order to remove that abuse, it had been deemed expedient to abolish the statute. That statement was founded upon a most complete misapprehension of the real facts of the case. Forty or fifty years ago some of the fellows married; but in 1812, at the notice of the authorities of the college, the oath of celibacy was imposed, and the practice of marrying ceased. But in 1840, at the instance of the Marquess of Normandy, the statute was repealed. His hon. and learned Friend had adverted to the income of the college, and stated that it was one of the most richly endowed in the kingdom; but, as his (Mr. G. Hamilton's) hon. and learned Colleague had proved, its accumulated property was smaller in amount than the sum settled by Act of Parliament upon the Roman Catholic College of Maynooth. There were equally great mistakes and exaggerations with regard to the emoluments of the senior fellows.

MR. HEYWOOD, in reply, said, as to the challenge which had been thrown out to produce a lawyer who had advocated University reform, he would refer hon. Gentlemen opposite to the part taken on that subject by Lord Chancellor Bacon. He maintained that Oxford and Cambridge had unequivocally admitted that the Sovereign of the realm was the proper visitor of those universities.

MR. J. STUART said, as the right hon. Baronet the Home Secretary had had the courtesy early in the debate to withdraw his Motion for the adjournment thereof, in order to give him (Mr. Stuart) an opportunity of submitting his Amendment to the House, he was now prepared to return the compliment by withdrawing his Amendment, in order to enable the right hon. Baronet to renew his Motion for the adjournment of the debate.

Amendment, by leave, withdrawn.

Original Question again proposed.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 160; Noes 138: Majority 22.

List of the AYES.

Abdy, Sir T. N.
Adair, R. A. S.

Aglionby, H. A.
Alcock, T.

Anderson, A.
 Anson, hon. Col.
 Anstey, T. C.
 Armstrong, Sir A.
 Baines, rt. hon. M. T.
 Baring, rt. hon. Sir F. T.
 Barnard, E. G.
 Bass, M. T.
 Bellew, R. M.
 Berkeley, A.
 Bernal, R.
 Blackall, S. W.
 Bouverie, hon. E. P.
 Boyle, hon. Col.
 Brand, T.
 Brookhurst, J.
 Brookman, E. D.
 Brown, W.
 Bunbury, E. H.
 Buxton, Sir E. N.
 Campbell, hon. W. F.
 Cavendish, hon. C. C.
 Cavendish, W. G.
 Clay, J.
 Clay, Sir W.
 Clements, hon. C. S.
 Colebrooke, Sir T. E.
 Cowper, hon. W. F.
 Craig, Sir W. G.
 Crawford, W. S.
 Currie, R.
 Dawson, hon. T. V.
 Douglas, Sir C. E.
 Duke, Sir J.
 Duncan, Visct.
 Duncan, G.
 Dundas, Adm.
 Dundas, rt. hon. Sir D.
 Ellice, rt. hon. E.
 Elliot, hon. J. E.
 Fagan, W.
 Ferguson, Sir B. A.
 FitzPatrick, rt. hon. J. W.
 Fitzwilliam, hon. G. W.
 Fordyce, A. D.
 Forster, M.
 Fox, W. J.
 Freestun, Col.
 Gibson, rt. hon. T. M.
 Glyn, G. C.
 Grace, O. D. J.
 Granger, T. C.
 Greene, J.
 Grenfell, C. P.
 Grenfell, C. W.
 Grey, rt. hon. Sir G.
 Grey, R. W.
 Grosvenor, Lord R.
 Hall, Sir B.
 Hallyburton, Lord J. F.
 Harcastle, J. A.
 Harris, R.
 Hastie, A.
 Hatchell, J.
 Henry, A.
 Heywood, J.
 Hobhouse, rt. hon. Sir J.
 Hobhouse, T. B.
 Hodges, T. L.
 Holland, R.
 Howard, hon. C. W. G.
 Hutchins, E. J.
 Hutt, W.

Jackson, W.
 Keating, R.
 Kershaw, J.
 King, hon. P. J. L.
 Labouchere, rt. hon. H.
 Lascelles, hon. W. S.
 Lewis, G. C.
 Littleton, hon. E. R.
 Locke, J.
 Lushington, C.
 McCullagh, W. T.
 McGregor, J.
 McTaggart, Sir J.
 Mangles, R. D.
 Marshall, J. G.
 Martin, J.
 Martin, C. W.
 Matheson, J.
 Matheson, Col.
 Maule, rt. hon. F.
 Melgund, Visct.
 Milnes, R. M.
 Mitchell, T. A.
 Morison, Sir W.
 Morris, D.
 Mostyn, hon. E. M. L.
 Muntz, G. F.
 Norreys, Sir D. J.
 Nugent, Sir P.
 O'Connell, M.
 O'Connell, M. J.
 Ogle, S. C. H.
 Paget, Lord A.
 Paget, Lord C.
 Palmerston, Visct.
 Parker, J.
 Pearson, C.
 Pechell, Sir G. P.
 Pigott, F.
 Pilkington, J.
 Pinney, W.
 Raphael, A.
 Rawdon, Col.
 Ricardo, O.
 Rice, E. R.
 Rich, H.
 Robartes, T. J. A.
 Romilly, Col.
 Romilly, Sir J.
 Rumbold, C. E.
 Russell, Lord J.
 Russell, F. C. H.
 Scholefield, W.
 Seymour, Lord
 Sheil, rt. hon. R. L.
 Shelburne, Earl of
 Smith, rt. hon. R. V.
 Smith, J. A.
 Smith, J. B.
 Somerville, rt. hon. Sir W.
 Spearman, H. J.
 Strickland, Sir G.
 Stuart, Lord D.
 Tancred, H. W.
 Tenison, E. K.
 Tennent, R. J.
 Thicknesse, R. A.
 Thompson, Col.
 Thornely, T.
 Tufnell, rt. hon. H.
 Villiers, hon. C.
 Wakley, T.
 Walsley, Sir J.

Watkins, Col. L.
 Wawn, J. T.
 Westhead, J. P. B.
 Willcox, B. M.
 Williams, J.
 Wilson, J.
 Wilson, M.

Wood, rt. hon. Sir C.
 Wood, W. P.
 Wyld, J.

TELLERS.

Hayter, rt. hon. W. G.
 Hill, Lord M.

List of the NOES.

Adderley, C. B.
 Archdall, Capt. M.
 Arkwright, G.
 Ashley, Lord
 Bagot, hon. W.
 Baldock, E. H.
 Bankes, G.
 Benbow, J.
 Beresford, W.
 Boldere, H. G.
 Booth, Sir R. G.
 Bowles, Adm.
 Brisco, M.
 Bromley, R.
 Brooke, Sir A. B.
 Brown, H.
 Burrell, Sir C. M.
 Cabbell, B. B.
 Chatterton, Col.
 Chichester, Lord J. L.
 Christy, S.
 Clerk, rt. hon. Sir G.
 Clive, H. B.
 Cochrane, A. D. R. W. B.
 Cocks, T. S.
 Cole, hon. H. A.
 Coles, H. B.
 Compton, H. C.
 Conolly, T.
 Corry, rt. hon. H. L.
 Damer, hon. Col.
 Denison, E.
 Dick, Q.
 Dickson, S.
 Disraeli, B.
 Dodd, G.
 Douro, Marq. of
 Duncuft, J.
 Dunne, Col.
 Du Pre, C. G.
 East, Sir J. B.
 Egerton, W. T.
 Emlyn, Visct.
 Estcourt, J. B. B.
 Farnham, E. B.
 Floyer, J.
 Fox, S. W. L.
 Frewen, C. H.
 Galway, Visct.
 Gaskell, J. M.
 Gladstone, rt. hon. W. E.
 Goulburn, rt. hon. H.
 Granby, Marq. of
 Greene, T.
 Grogan, E.
 Hale, R. B.
 Halsey, T. P.
 Hamilton, G. A.
 Henley, J. W.
 Herbert, rt. hon. S.
 Hervey, Lord A.
 Hildyard, R. C.
 Hildyard, T. B. T.
 Hill, Lord E.

Hope, H. T.
 Hope, A.
 Hornby, J.
 Hotham, Lord
 Inglis, Sir R. H.
 Jermyn, Earl
 Jones, Capt.
 Laoy, H. O.
 Law, hon. C. E.
 Lennox, Lord A. G.
 Lennox, Lord H. G.
 Lewisham, Visct.
 Lindsay, hon. Col.
 Lowther, hon. Col.
 Manners, Lord C. S.
 Manners, Lord J.
 Masterman, J.
 Maxwell, hon. J. P.
 Miles, P. W. S.
 Moody, C. A.
 Moore, G. H.
 Mullings, J. R.
 Mundy, W.
 Naas, Lord
 Neeld, J.
 Newdegate, C. N.
 Newport, Visct.
 Nicholl, rt. hon. J.
 Noel, hon. G. J.
 O'Brien, Sir L.
 Paoke, O. W.
 Pakington, Sir J.
 Palmer, R.
 Patton, J. W.
 Peel, Col.
 Pennant, hon. Col.
 Plowden, W. H. O.
 Plumtre, J. P.
 Prime, R.
 Reid, Col.
 Richards, R.
 Sanders, G.
 Sibthorp, Col.
 Simeon, J.
 Smythe, hon. G.
 Somerset, Capt.
 Somerton, Visct.
 Sotherton, T. H. S.
 Spooner, R.
 Stafford, A.
 Stanford, J. F.
 Stanley, hon. E. H.
 Stuart, H.
 Stuart, J.
 Thesiger, Sir F.
 Thornhill, G.
 Tollemache, J.
 Trevor, hon. G. R.
 Trollope, Sir J.
 Turner, G. J.
 Verner, Sir H.
 Vesey, hon. T.
 Vivian, J. E.
 Vyryan, Sir R. R.

Vyse, E. H. R. H. Wodehouse, E.
 Waddington, H. S. Wortley, rt. hon. J. S.
 Walpole, S. H. Yorke, hon. E. T.
 Wegg-Prosser, F. R.
 Welby, G. E. TELLERS.
 Welleale, Lord C. Cardwell, E.
 Willoughby, Sir H. Palmer, R.

Debate further adjourned till this day three months.

ATTORNEYS' CERTIFICATE BILL.

Order for Committee read.

LORD R. GROSVENOR moved that the House go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

The CHANCELLOR OF THE EXCHEQUER said, he should take the same course on this stage of the Bill that he had taken on a previous stage; and, without discussing the question further, simply move that the House go into Committee on the Bill that day three months.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day three months, resolve itself into the said Committee,' instead thereof."

MR. G. A. HAMILTON wished to know if the noble Lord opposite, who had charge of the Bill, would move an instruction to the Committee for the purpose of including Ireland?

LORD R. GROSVENOR said, it was not necessary to move an instruction at all. By an alteration of the title, Ireland could be included.

MR. STAFFORD said, the hon. and learned Member for Kerry, who was unavoidably absent on circuit, had placed in his hands certain amendments which he would propose when the Government was defeated for the third time.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 105; Noes 103: Majority 2.

Main Question put, and agreed to.

House in Committee.

COLONEL SIBTHORP expressed a hope that the attorneys throughout the country would forthwith send in their little bills against every Member who had voted against them; and if they did there would be such a clearance in this House as had never been witnessed.

Clause 1, provision inserted, extending the operation of the Bill to Ireland.

The ATTORNEY GENERAL wished to know who was to appoint the registrar?

SIR F. THESIGER said, that the registrar would be appointed under the 6th and 7th Vic., cap. 73, the Act which incorporated the Law Society.

Clause agreed to, as were Clauses 2 to 4. Clause 5.

LORD R. GROSVENOR moved that the fee payable for such certificate be 10s.

The CHANCELLOR OF THE EXCHEQUER said, he would move that the fee be 1s. 6d.

Motion made, "to fill the blank with 'one shilling and sixpence.'"

Question put, "That the blank be filled with ten shillings."

LORD R. GROSVENOR said, that the fee for registration would be received by the Incorporated Law Society, who he believed enjoyed the confidence of the whole profession, and who had expended a large sum of money in providing a library and other accommodation at their institution, which was the resort of the members of the profession, and in taking steps to exclude improper persons from the profession.

MR. MULLINGS said, the Society had expended as much as 90,000*l.* in establishing their institution and furnishing it with a library of some 10,000 volumes for the benefit and improvement of members of the profession. They had also now cast upon them the burden of taking proceedings for the purpose of punishing malpractices on the part of attorneys, which it was the duty, and formerly the practice, of the Stamp Office to undertake; and he had the best authority for saying that the expenses of clerks in the establishment amounted to more than the 1s. 6d. for each certificate would meet, and that the Society expended in the last year, in proceedings to keep up the character of the profession, a large sum of money, and which, if the usual charges had been made, would have approached to 1,000*l.*

MR. CLEMENTS asked if the Irish and Scotch attorneys would have to pay the registration fee?

MR. MULLINGS said, they would not, as they were not required to be registered at the Law Society.

SIR R. FERGUSON supposed it was the Incorporated Law Society that had left the Irish and Scotch attorneys out of the Bill.

LORD R. GROSVENOR said, the hon. Baronet was altogether mistaken in his supposition. Before the Bill was brought in, the Incorporated Law Society applied to the attorneys of Ireland and Scotland

to obtain their co-operation; but those gentlemen thought it advisable to have a separate measure for themselves.

In reply to Sir H. WILLOUGHBY,

THE CHANCELLOR OF THE EXCHEQUER said, he did not see that the Bill would cast any duty upon the Incorporated Law Society. That Society at present performed certain duties, for which they received a fee of 1s. 6d. from each person, which it was now proposed to increase to 10s. It seemed that having taken 12l. each out of the public pocket, these gentlemen wished to put additional fees into their own.

SIR F. THESIGER said, that the Law Society went to considerable expense in prosecuting cases of delinquency or misconduct on the part of attorneys. They had recently expended a large sum in resisting the application for the readmission of an attorney who had been convicted and transported, and struck off the rolls; and he thought, therefore, as the Society performed those duties, they were entitled to the proposed fees.

The House divided:—Ayes 70; Noes 130: Majority 60.

MR. J. S. WORTLEY moved that the fee should be 5s., as it would be unreasonable to retain the present inadequate sum of 1s. 6d.

THE ATTORNEY GENERAL thought the old fee sufficient, bearing in mind that the number of attorneys in England and Wales amounted to 10,000.

MR. TURNER said, that the sum of 1s. 6d., which was what was paid now, and which only amounted to 750l. a year, was utterly inadequate to meet the expenses of the numerous prosecutions which the Law Society was obliged to undertake against disreputable attorneys; a duty that was imposed upon the Society by the profession.

LORD R. GROSVENOR supported the Amendment of the right hon. and learned Member for Bute. He was in communication with members of the profession in every part of the kingdom, and could assure the Committee that they were quite willing to pay the 10s. It was certainly somewhat extraordinary to observe the new-born zeal which had seized the hon. and learned Attorney General to save the pockets of the attorneys, after having opposed the Bill in every way.

THE ATTORNEY GENERAL said, the great object of the Law Society was a job to create a revenue for themselves.

SIR F. THESIGER denied that this was a job on the part of the Law Society to secure a revenue to themselves. The real question was, whether the House wished to deprive the Law Society of that duty which they had hitherto practised so satisfactorily, or were willing to aid them to perform the duty. The error consisted in treating the Law Society as though it were a body apart from the profession, whereas the greater part of the London attorneys were amongst its members.

THE CHANCELLOR OF THE EXCHEQUER said, he did not wish to deprive the Law Society of anything; but he wished to prevent them from taking the money out of his pocket to put into their own. He would object to giving more than 1s. 6d. This was nothing more than a proposal of the Law Society, after having taken 12l. out of his pocket, to put 10s. into their own.

Question put, "That the blank be filled with 'one shilling and sixpence.'"

The Committee divided:—Ayes 124; Noes 68: Majority 56.

MR. HUTT moved that the Chairman do now leave the chair.

MR. J. S. WORTLEY asked whether this Motion was made with the concurrence of the Government, as he certainly thought it was not a dignified mode of getting rid of the subject.

THE CHANCELLOR OF THE EXCHEQUER said, the Government were not consulted on the Motion, but he should vote for it.

MR. STAFFORD deprecated the course pursued by the Government, who on some occasions were so eager to yield to the first intention of the wishes of the House, as in the recent case of the Post Office; and now, when the opinion of the House had been taken on the contested points, and many of the supporters of the Bill had left the House, the hon. Member for Gateshead moved that the Chairman leave the chair, for the purpose of getting rid of the Bill altogether; and the Government, in rendering their support to the hon. Member in this individual attempt to defeat a measure, which they had been unable to do in a fair stand-up fight, was acting a most unworthy part.

LORD J. RUSSELL said, that the Government were pursuing a direct course. In the case of an Address to the Crown, there could be only one Motion; but with regard to a Bill, they might debate and divide upon all its various stages. The

Motion of his hon. Friend the Member for Gateshead, that the Chairman do leave the chair, was sufficiently direct, and he should vote for that Motion, because it had a tendency to defeat the Bill.

LORD R. GROSVENOR said, that the Law Society of London had brought the Bill to him; he considered their case unanswerable, and it was certainly not his fault that the measure had not been discussed long ago. He gave a notice upon the subject the first night of the Session; the Bill had been three times postponed at the request of the Government; and if it were then to be defeated at that advanced period of the Session, he thought he should have a just right to complain. He could not help thinking that the measure might have been gracefully conceded; but if that was not to be the course, the result would be the same as in many other cases; and, for his own part, he should feel bound in honour to exert his best efforts, independently and conscientiously, to secure its success.

MR. BASS said, the hon. Member for Gateshead was perfectly justified in making this Motion, for he (Mr. Bass) knew several Members who had voted for the Bill in every stage, but who were not anxious that it should pass, and who told him they regretted the course they were obliged to take, in consequence of having made an imprudent promise to support the Bill. [*Loud cries of "Name!"*] When he had consulted with those Gentlemen, and obtained their consent to give their names, he would have no hesitation in mentioning them to the House.

MR. WALPOLE was in favour of the Bill, but had hitherto refrained from voting, acting upon a principle which

always prevented him from acquiescing in depriving the Chancellor of the Exchequer of revenue after the announcement of the budget. It was quite by accident that he happened to be present when the House went into Committee; but being there, and seeing that the Government had been already beaten twice upon it, he intended to give his support to the noble Lord who had had the conduct of it. He thought it unfair on the part of the Government, after the Bill had almost passed through Committee, to attempt to get rid of it by an indirect mode, and advised them to contest the point on the third reading, which would be more legitimate.

MR. V. SMITH hoped that the hon. Member for Gateshead would proceed with his Motion. It was by no means unusual to take a second division when in the previous one the numbers were so nearly equal as on this occasion they had been.

MR. HUTT denied that the course which he was taking deserved to be called an artifice: it was just as direct a proceeding as moving that any Bill be read a second time that day three months.

MR. PLUMPTRE had had as long an experience in that House as the hon. Member, and he could not recollect such a course being pursued. It was not only indirect, but it was dishonourable.

Motion made, and Question put, "That Mr. Speaker do now leave the Chair."

The Committee divided:—Ayes 92; Noes 99: Majority 7.

House resumed.

Bill reported; as amended, to be considered on Monday next.

The House adjourned at Two o'clock.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXII.

BEING THE FIFTH VOLUME OF SESSION 1850.

EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.*, Select Committee.—*Com.*, Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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